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1 SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL
2 2/11/97 - 8:00 A.M.
3 Sitka Tribe of Alaska Building
4 456 Katlian Street
5 Sitka Alaska
6 VOLUME I
7

8 Members Present:

9
10 William C. Thomas, Chairman
11 Vicki LeCornu, Secretary
12 Marilyn R. Wilson
13 Herman Kitka, Sr.
14 John P. Feller, Jr.
15 Mim McConnell
16 Mary Rudolph
17 Gabriel D. George
18 Lonnie Anderson, Telephonically
19 Patricia Phillips, Telephonically
20
21 Fred Clark, Coordinator

P R O C E E D I N G S

1
2

3 CHAIRMAN THOMAS: Good morning everybody. I think
4 we're losing more time than we have to wait. We're going to
5 begin our meeting without a quorum, which merely means that
6 we're not going to be acting on anything, but we will be taking
7 advantage of any information or reports that are available to
8 us at this time.

9

10 I understand that there's a special announcement, so
11 there's some different things that are going to be presented to
12 us today. And the weather hasn't been real cooperative in
13 getting everybody here, there are some that are in town that
14 just haven't made it here yet and we're going to have a caning
15 session at 10:00 o'clock after they do get here, so we won't
16 have that anymore.

17

18 But anyway, we will suspend of the roll call. And is
19 there a representative from the community to welcome us? Nels,
20 are you the representative? You look like a representative to
21 welcome us to Sitka. My agenda says community representative
22 of host community, you have to tell us nice things.

23

24 MR. LAWSON: I could do that. As president of Alaska
25 Native Brotherhood Cap #1, it is my pleasure to extend a
26 welcome to our community. We thank you for coming here. We
27 thank you for being with us. Have a good meeting. Besides the
28 meeting, enjoy the other things that are happening in this
29 community. I extend a most hearty welcome to our out of town
30 guests. Thank you.

31

32 CHAIRMAN THOMAS: Thank you, very much Nels. That was
33 very nice.

34

35 We'll suspend with the adopting of the agenda at this
36 time also. We will suspend the minutes for now. Policies for
37 public comment, that's my job. Those of you, as the meeting
38 goes on, if you have -- unless you're giving a presentation, if
39 you have reason you want to address the Council, if you would
40 get one of these forms from Terry over on this end of the
41 table; over here?

42

43 MS. EDWARDS: Right outside the door.

44

45 CHAIRMAN THOMAS: Okay, sorry about that. But they're
46 yellow sheets on there and everybody will have an opportunity o
47 speak anything they want to speak about.

48

49 Sitka is a unique place. Unique in a very positive

50 sense. Sitka is fortunate to have as residents people that are

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1 very informed, very committed, very protective of the use and
2 access to subsistence. And the social and cultural
3 relationships to subsistence. And from time-to-time, with that
4 people get pretty ambitious and don't want to wait for an, what
5 we call, appropriate time to address the Council, so whenever
6 that occurs, I'm going to suspend the rules to allow for that
7 flexibility for whoever may want to interject something.
8 Sometimes a notion or an idea or a thought will come to
9 somebody and we can take better advantage of it as soon as they
10 want to feel like they want to share that with us. So that's
11 going to be one change I'll recognize in the format of our
12 meetings.

13
14 Also before we get in here, this has been a season for
15 illness. I know some of you have been caught with the bug and
16 I certainly have. And I appreciate the expressions of get well
17 from those of you that shared that and for the prayers that you
18 offered, they were very much appreciated. I understand Dolly's
19 under the weather today and later on today sometime I'm going
20 to ask probably pass the hat around and send her a flower and
21 probably a card with everybody's X on it, so we'll get that
22 delivered to her.

23
24 And weather conditions are not as good, coming from
25 Pelican could be fun, coming from Kake could be fun, coming
26 from Angoon can be exciting. So we're lucky we live on the
27 mainline of the larger airplanes. That's a large convenience
28 as compared to others that don't have that.

29
30 As far as activities, for myself, since our meeting in
31 Kake, typically I would have reported to Grand Camp, this year
32 I didn't do that. The only report I made was to the local
33 Tlingits/Haida chapter in Ketchikan. And we had a special
34 board meeting and also a meeting of the Chairs from each
35 Regional Council in November to go over some issues that were
36 brought to the attention from various regions over the course
37 of the last several years. And that gave us a change to meet
38 face-to-face and try to establish a position on what we wanted
39 to do with some of those issues. I'll give you a partial list
40 of some of what we talked about. One issue paper was the use
41 of State advisory committees and the Federal subsistence
42 program. Another one was co-management. Another was Regional
43 Council Chairs should sit as voting Federal Subsistence Board
44 members instead of Alaska heads of various agencies. Tribal
45 co-management. Integrating traditional environmental knowledge
46 and western science. Substantial evidence and decision
47 standards; we didn't touch that one because when we tried to
48 get something specific with what you're looking for substantial
49 evidence is kind of big and ambiguous -- didn't seem to be of

50 any great importance, so I think that one just kind of went to

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1 sleep. But anyway, it was a one day meeting and I had combined
2 that with some medical attention in Anchorage. So I requested
3 that Dolly, being the vice chair be able to attend that as
4 well, and she did and she, for the most part, attended the
5 meetings when I wasn't able to, did an admirable job, she's up
6 to speed on everything. She's had some interaction with some
7 of those people in different capacities at different forums.
8 So Southeast was well represented at that meeting.

9
10 As far as the Council members, you'll all find some
11 white sheets in front of you, this is to make it more efficient
12 and more helpful to the recording process of any action that we
13 take. And this affords for the person that wants to offer a
14 motion to be considered, to have it written and follow through
15 with the action and the results of the action and then submit
16 it to the recorder. So that way we'll have everything as
17 accurate as we can.

18
19 We have some agency people here that are only here
20 until their plane leaves back to wherever they're going, I
21 think specifically Juneau and so we want to take advantage of
22 what time they do have with us. Realizing that most of this
23 happens during the proposal time, but if there's anything that
24 anybody wants to bring to the attention of the BIA or the
25 Forest Service, two gentleman are sitting back there, Niles and
26 Jim, are the two guys waiting for their plane to come in, so we
27 hope they're not preoccupied at this time, but we appreciate
28 their presence.

29
30 So that pretty much brings up to date anything that I
31 did or didn't do. I understand that we have a request for a
32 special announcement from Jerry, Jerry did you have something
33 now for us? Now would be a good time for you to take the table
34 and tell us who you are and why you are.

35
36 MR. HOPE: Thank you, Mr. Chair. My name is Jerry Hope
37 and I'm treasurer for the National Congress of American Indians
38 and that would be the official capacity that I'm here to today.
39 I also am the tribal council elected member in Ketchikan and an
40 officer as secretary for that tribal council, the Ketchikan
41 Indian Corporation.

42
43 On the official capacity with the National Congress of
44 American Indians, we're having a mid-year meeting in Juneau
45 that's scheduled to be June 8th through the 11th. The National
46 Congress of American Indians organized in 1944 has about 170
47 tribes that are members of that national organization and there
48 is a growing interest in the Alaska tribes for some kind of
49 tribal format that is of the national nature. And the National

50 Congress of American Indians pretty much fits that need, that

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1 interest that the Alaska tribes have. As you know there are
2 around 226 Federally recognized tribes. The Federal
3 Subsistence Commission, it would be really good to have your
4 presence at this mid-year meeting, primarily as resource
5 people. Because in that short abbreviated meeting, the mid-
6 year is only a two and a half, three day meeting, but there are
7 some areas of strong concern. And one of the purposes of
8 having the mid-year -- or one of the purposes of mid-year is to
9 get issues that are unique to that area and how the tribes are
10 organized under the National Congress of American Indians is
11 their individual areas, which in this case, although it's
12 called the Juneau area, for all practical purposes, it's the
13 Alaska area. And one of the main issues that I see, aside from
14 what you've been reading in the newspapers recently with the
15 Venetie decision, is also gaming -- season gaming and
16 subsistence. So subsistence you would be very qualified as a
17 commission to present what, in your views, have been some of
18 the important areas that have been addressed. Whether it's the
19 relationship with the State of Alaska or the Federal government
20 or the different agencies that you've had to work with. How
21 there have been a response by the Federal agencies and
22 sensitivity to the needs of Alaska Natives. Those kinds of
23 things, I think, would prove to be invaluable. And so with
24 that, Mr. Chair, again, the National Congress of American
25 Indians mid-year meeting is going to be in Juneau and I believe
26 that's a first and it was by my motion in November of 1995 at
27 the San Diego meeting that got that meeting up to Juneau. But
28 I think it's the first time that it's been in Southeast Alaska.
29 I know it's been in Anchorage and it's been in Fairbanks
30 before. At any rate -- and what I'll provide is my business
31 cards for your records.

32

33 CHAIRMAN THOMAS: Okay.

34

35 MR. HOPE: Thank you, very much, Mr. Chair.

36

37 CHAIRMAN THOMAS: Any questions? Thank you, very much.

38

39 MR. HOPE: Thank you.

40

41 MS. WILSON: Mr. Chair?

42

43 CHAIRMAN THOMAS: Marilyn.

44

45 MS. WILSON: Questions for Jerry, I was wondering if it
46 was possible that we could have you attend or vice chairman
47 attend this if none of the rest of us do. The rest of us maybe
48 could try to attend, but we should have our Chairman, vice
49 chairman maybe try to attend. I don't think we could have the

50 Federal government pay for it, but I don't know.

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1 MR. HOPE: Mr. Chair, it would be anybody whom -- the
2 commission of course would view -- the advisory council would
3 view, if we could provide a letter of request for your
4 attendance on the Southeast in particular, but the Statewide
5 would be real helpful as well. Is that still Mitch?

6
7 CHAIRMAN THOMAS: Yeah.

8
9 MR. HOPE: Okay. If that would be helpful, maybe we
10 could provide a letter of request for attendance?

11
12 MS. WILSON: That would be good.

13
14 MR. HOPE: Okay, thank you again, Mr. Chair.

15
16 CHAIRMAN THOMAS: Thank you. Good morning.

17
18 MS McCONNELL: Good morning. Sorry, I'm late.

19
20 CHAIRMAN THOMAS: Well, glad you're here.

21
22 MS McCONNELL: Me, too.

23
24 CHAIRMAN THOMAS: Is there a change in our format of or
25 agenda, Fred? It seems like we had agency comments at about
26 this time.

27
28 MR. CLARK: We could certainly have those now, Mr.
29 Chairman.

30
31 CHAIRMAN THOMAS: But is this how it's always been,
32 right into our proposals?

33
34 MR. CLARK: I think it's slightly changed, but not a
35 great deal.

36
37 CHAIRMAN THOMAS: Pardon me?

38
39 MR. CLARK: I think it has slightly changed.

40
41 CHAIRMAN THOMAS: Okay. Do we have any -- typically we
42 have agency reports or comments at this time. I think there
43 was a little change in the format of our agenda. Usually we
44 have it identified as State, Park Service, Land Management,
45 BIA, Forest Service.

46
47 MR. CLARK: Mr. Chairman, I would suggest that we could
48 have a few words on the Tongass Land Management Plan at this
49 point because my understanding is there's not a whole lot

50 that's going to -- you know, there's not much update to be

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1 given. So if we could get that taken care of, then we won't
2 have to interrupt the flow here.

3

4 CHAIRMAN THOMAS: Can you use up a couple of hours?
5 Lynn, are you ready for that? Okay, that'd be fine.

6

7 MS. HUMPHREY: Mr. Chairman, members of the Council,
8 unfortunately I don't have much to tell you. You know, as many
9 of you know, we were going full guns this last fall hoping to
10 get a plan out by Christmas time. The Regional Forester, Phil
11 Janick felt at that point that it needed more review time, so
12 the plan is going through reviews in Washington D.C., and in
13 Alaska. Hopefully, those reviews will be done sometime within
14 the next month and Bill Janick will sign a plan. And until he
15 does that I really can't say anything, you know, it's subject
16 to change, you know, anything really could happen. We are
17 optimistic as I said that it will be signed soon.

18

19 So the other thing that I did want to talk a little bit
20 about is when it does get signed, it probably will be at a time
21 that doesn't coincide with one of your regular meetings, but we
22 would like to update you all on aspects of the plan that would
23 especially be pertinent to subsistence uses. So we've thought
24 of a couple different ways that we could do that. I'd like to
25 maybe propose a couple and have you think about it or come up
26 with ideas yourself. And one idea we thought of was to put on
27 a session similar to what we did last June, where we actually
28 brought the members into Juneau or we could do it somewhere
29 else, whatever, and just have a special session where we go
30 over parts of the plan for you. Another opportunity would be
31 to have some or all of you come to our line officer training.
32 We're actually going to be putting on training for our own
33 Forest Service people and other agency people and we could have
34 some of you all participate in that to become familiar with the
35 plan too. So I don't know if you've got ideas now on that or
36 you want to think about it. But we would like to, you know,
37 once we do get it signed to have all of you know what's going
38 on with it.

39

40 CHAIRMAN THOMAS: Do you have a time line?

41

42 MS. HUMPHREY: We are optimistic that the decision will
43 be made sometime in the next month or two and that's all I
44 know.

45

46 CHAIRMAN THOMAS: So you won't have really anything
47 definite until after that period when something has come
48 together?

49

MS. HUMPHREY: Right. And we can't really -- so then

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1 we can't even plan really anything until we get to that point.

2

3 CHAIRMAN THOMAS: Over all, last year at our June
4 meeting we had, how helpful was that to you folks in terms of
5 putting a subsistence section in the plan?

6

7 MS. HUMPHREY: Pardon me?

8

9 CHAIRMAN THOMAS: That meeting we had last year with
10 you folks?

11

12 MS. HUMPHREY: Um-hum. (Affirmative)

13

14 CHAIRMAN THOMAS: Was that productive for you folks?

15

16 MS. HUMPHREY: Oh, very much so, yeah. Well, we also
17 wanted to be good for you, I mean that's, you know, part of our
18 job is helping the people understand the plan and that's what
19 we'd like to do at that point.

20

21 CHAIRMAN THOMAS: Okay. I asked for a summary only of
22 the plan.

23

24 MS. HUMPHREY: Um-hum. (Affirmative)

25

26 CHAIRMAN THOMAS: Because one time, the first time they
27 brought me the TLMP, they brought it up on a cart, on a
28 handcart in my office and it never left the cart.

29

30 MS. HUMPHREY: I know.

31

32 CHAIRMAN THOMAS: I left it on there. I recycled it.

33

34 MS. HUMPHREY: Thank you. It's going to be large
35 again.

36

37 CHAIRMAN THOMAS: And so then I asked for a
38 summary.....

39

40 MS. HUMPHREY: Um-hum. (Affirmative)

41

42 CHAIRMAN THOMAS:and I only got 20 pounds of
43 paper in the summary.

44

45 MS. HUMPHREY: What we are doing actually is putting
46 together a summary newsletter. It's going to be something in
47 the neighborhood of 20 pages. It's going to, hopefully,
48 summarize all the major issues and how they've been dealt with
49 in the plan. So that if people don't want to read the 20

50 pounds or 20 plus pounds of material, they should be able to

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1 look at this summary newsletter and get the gist of it.

2

3 CHAIRMAN THOMAS: Well, that was a request I made of
4 Mr. Vaught in Ketchikan. I said, you know, we have a lot of
5 reading to do in any case, I said if you could just give us the
6 bottom of line of segments of the plan, that's all we want to
7 see.

8

9 MS. HUMPHREY: Okay.

10

11 CHAIRMAN THOMAS: Do I have the bottom line, we don't
12 need the nuts and bolts.

13

14 MS. HUMPHREY: Um-hum. (Affirmative)

15

16 CHAIRMAN THOMAS: And we've been in the process long
17 enough to where those bottom lines will give us a good idea of
18 the nuts and bolts we saw earlier, see.

19

20 MS. HUMPHREY: Um-hum. (Affirmative)

21

22 CHAIRMAN THOMAS: So if that could happen, that'd be
23 really great.

24

25 MS. HUMPHREY: Okay.

26

27 CHAIRMAN THOMAS: But we appreciate your efforts and we
28 understand the frustrations when there's nothing to report.
29 But you're getting better. You'll be Council material pretty
30 soon. Any questions for Lynn? Anybody? Thank you, very much.

31

32 MS. HUMPHREY: Thank you.

33

34 MR. CLARK: Mr. Chairman?

35

36 CHAIRMAN THOMAS: Fred.

37

38 MR. CLARK: Looking at the audience, I see we have a
39 representative from the Park Service, if he has anything he
40 might want to say, now, might be a good time to do it.

41

42 CHAIRMAN THOMAS: Park Service, you got something to
43 enlighten us with here?

44

45 MR. CAPRA: It will probably take up a little bit of
46 your time.

47

48 CHAIRMAN THOMAS: Okay. We still got two hours left.

49

MR. CAPRA: Not that much.

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1 CHAIRMAN THOMAS: Okay, tell us who you are?

2

3 MR. CAPRA: I'm Jim Capra with Glacier Bay National
4 Park out of Yakutat. I think we have a representative from our
5 regional office coming as far as I know.

6

7 CHAIRMAN THOMAS: Is Clarence coming?

8

9 MR. CAPRA: Yeah, he's supposed to be here.

10

11 CHAIRMAN THOMAS: Okay.

12

13 MR. CAPRA: If I can cover a little bit of what he was
14 going to go over though, it's mostly at -- I believe at the
15 last two Council meetings this has been made available, it's a
16 draft review of subsistence law for National Park Service
17 lands. And it's been sent out for review, I think, for the
18 past year or so, it's not a -- it's mostly just a device for
19 feedback, rather than as new regulations that we're making or
20 anything. I'm just trying to clarify what people and what the
21 law says and what we should be doing on Park Service lands.

22

23 We have gotten some feedback, especially from the
24 subsistence Councils in the park -- who are in the different
25 parks. I know John Vale is a member of the Wrangell-St. Elias
26 council and we don't have any here in Southeast, but we'd like
27 to hear more from the Regional Councils and any individual
28 subsistence users. We don't have a whole lot of park lands in
29 Southeast. But we're still interested in hearing anything on
30 Park Service lands and how it might effect you or just general
31 ideas on it. It's mostly just a direction we should take, it's
32 not a format for new rules or regulations.

33

34 That was just a request from the Park Service that I
35 had to pass on to you all.

36

37 CHAIRMAN THOMAS: Okay, I appreciate that. I have been
38 getting some information from John Vale along those regards.
39 From my personal standpoint, one of the reasons I haven't
40 considered offering anything is because we are quite a bit
41 removed from those areas. And when I'm that far removed, I
42 have a sense of meddling, where people that live in those areas
43 have the best instincts for what goes on there than what I
44 would have, you know. But we really appreciate your
45 solicitation of our interaction with that. I don't know that
46 we'll offer any. Does anybody have any questions or comments?

47

48 MS. WILSON: Mr. Chairman?

49

CHAIRMAN THOMAS: Marilyn.

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1 MS. WILSON: I have a comment. The remark you just
2 made about trying to meddle, we have everybody meddling in the
3 public lands in Alaska all the way from New York, so I don't
4 think we should be afraid to meddle if we have something to
5 say, say it, write it.

6
7 CHAIRMAN THOMAS: I'm not going to meddle. Anybody
8 else? Thank you, very much. Well, you'll probably find a need
9 to come back later in the meeting.

10
11 MR. CAPRA: Thank you.

12
13 CHAIRMAN THOMAS: Any other agency comments? Niles,
14 please.

15
16 MR. CESAR: Thank you, Mr. Chairman. My name is Niles
17 Cesar, I'm the area director for the Bureau of Indian Affairs.
18 Like any good Tlingit boy, people ask me if you have anything
19 to say, that immediately means half an hour. So as long as you
20 don't say anything else to me, it will just take me a half an
21 hour. If you ask me another question, it will be another half
22 an hour, so keep that in mind, please.

23
24 CHAIRMAN THOMAS: Okay.

25
26 MR. CESAR: I appreciate the opportunity to be here. I
27 just thought I'd make just a couple of comments. As you know,
28 the Bureau is one of the sitting members of the Federal
29 Subsistence Board. And originally when the Board -- when the
30 Federal government took over subsistence, the Bureau of Indian
31 Affairs was not a part of the Board, that only came in as a
32 result of a fair amount of concern by Native people that they
33 really weren't represented at the table and the land managers,
34 who were the deciding factors, so it came with some doing that
35 the Bureau got to the Board table. And at this point, I am the
36 longest surviving regional member on the Board, so I've had a
37 fair amount of interaction with the Regional Councils and the
38 Federal Subsistence Board over the last six and a half years.
39 And just in my observation I think we've made a lot of
40 progress. I mean it's hard to see that sometimes where we're
41 at today versus where we were six or seven years ago. But I
42 guarantee you Native people are at the table and to me that's a
43 significant thing. That is not something that we should take
44 lightly and I think the Southeast Council should be proud of
45 that fact that at this point we listen to the Council when
46 proposals are brought forth to the Board, it is not a slam,
47 dunk in either direction. We don't automatically accept them,
48 but certainly we do not automatically reject them. They're
49 there, we take them as thoughtful proposals and I think we act

50 on them accordingly.

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1 And I think that as you travel across the State of
2 Alaska and certainly in my job I do a lot of that, not only in
3 Southeast, but mostly anymore it seems like up in the Delta and
4 up in the Interior, people will come to me and say, we really
5 are glad that the Federal folks are in subsistence. We believe
6 that -- they believe that we're listening to them and progress
7 is being made. And many people are coming to me at this point
8 saying, we want you guys to take over fish. We believe that
9 you really should be in the fish game. Our opinion, at least
10 the opinion of the Department of Interior is that we don't want
11 to be. We really believe that subsistence is best under a
12 unified, one agency approach and we believe that, still believe
13 that the State is that agency to do that. We really believe
14 that. If the State can come in compliance and if the State
15 will take seriously the reactions and the proposals from the
16 people at the Board level and the Council level, we believe
17 that's the best thing to happen.

18
19 Having said that, you know, I am in the dark as much as
20 anybody in this room. And if you read the paper and living in
21 Juneau as I do, if you look at the lay of the land, vis-a-vis
22 the legislature, it doesn't look good. It doesn't look as if
23 the legislature is going to do anything until, in fact, the
24 Federal government is involved with the fisheries. And if that
25 happens, I think we will see such a human cry across this State
26 that maybe something will finally happen. The latest delaying
27 tactic is the Venetie decision. Many people in the legislature
28 now say, well, we can't do anything, the most important thing
29 is Venetie, Venetie is going to create 226 independent nations
30 and we're going to go all down the tubes and everything's going
31 to go hell in a handbasket because we got all these folks out
32 there running their own business.

33
34 MS. WILSON: What did you call that again?

35
36 MR. CESAR: The Venetie decision. That is the decision
37 that says that there's Indian country in Alaska.

38
39 MS. WILSON: Oh, okay.

40
41 MR. CESAR: Venetie and Arctic Village are the two
42 villages up in Eastern Interior that sued the Federal
43 government. And the premise of the lawsuit had to do really
44 with taxation. But what really speaks to the issue, are there
45 Indian tribes in Alaska and if there are Indian tribes in
46 Alaska, do they possess Indian country and there's a six tier
47 approach to determining Indian country. But in Venetie and
48 specifically in Venetie, they said, yes, there is Indian
49 country.

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1 So what people infer from that is that because there's
2 Indian country, the Indians in it are now going to make all the
3 rules and do their own law enforcement, their own game
4 enforcement, they'll have Indian gaming and they'll setup
5 governments that are in competition with the local governments.
6 All of which, I suppose, are possible. Those are the kinds of
7 things that may, in fact, happen. But in my perception, I
8 think we'll see a fight to the end through the courts. So what
9 we're seeing is one specific court decision dealing with one
10 specific village. But it really says, in the long term, that
11 the Federal courts will in all likelihood continue to listen to
12 the voice of the Native people and to interpret Federal law as
13 the Federal government believes it should be interpreted. But
14 I don't see a big problem. People have asked me my opinion on
15 it, and I said, well, you know, I just don't see 226 tribes
16 coming forward, all wanting to have their own say on the land.
17 We'll see some of that. And I think we'll see some initial
18 encouragement in tribal courts, in law enforcement. We'll see
19 gaming, maybe, but how much gaming are you really going to do
20 in Kotzebue or how much are you really going to do in Arctic
21 Village. We will see some of that. But I think we'll see a
22 long period as we head through the courts and that's
23 appropriate, I think. That's how we run our country, is that
24 we make laws. Interpret the laws through the courts. And the
25 courts often are the final analysis or the people who make the
26 decisions.

27
28 So I would not look for any immediate reaction as we
29 head through this period. I think we're going to see a bit of
30 time and I think that that time can be best be served to
31 resolve the subsistence issue. I mean in my mind, resolving
32 the subsistence issue to allow the State government to get back
33 in control of its resources is in everybody's best interest.
34 But I don't think it's going to go back to the way it was
35 before. I don't think we're going to have boards of fish and
36 boards of game who are dominated by specific gear types and
37 specific special interests to the exclusion of subsistence
38 users. I think those days are over and well over in my
39 estimation. One thing that this -- McDowell lawsuit and the
40 subsequent takeover by the Feds has done has focused the
41 attention on subsistence. For many years subsistence really
42 wasn't a player. I mean they were there in name only, but they
43 really weren't a player. Now we're a player, there's no
44 question that the appointments to any new Alaska Department of
45 Fish and Game Board and Fish and Game under a new -- under a
46 State takeover again will be viewed very closely by the Federal
47 government. And I think that's one of the things I hear
48 constantly is that they don't want -- Native people don't want
49 to go back to the way we were doing business before where

50 essentially they were shut out at the table. And I don't think

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1 that's going to happen anymore. Hopefully what we see now is a
2 trend -- a continuing trend of more involvement by Native
3 people.

4
5 I don't have a lot in terms of subsistence. As you
6 know, John Borbridge, for the years that we've been involved in
7 subsistence has been our person for subsistence and has done a
8 tremendous job for us. John is very much a State's man as we
9 all know and uses, I think his background as a teacher and
10 coach to keep us all in line.

11
12 CHAIRMAN THOMAS: Um-hum. (Affirmative)

13
14 MR. CESAR: He's done an excellent job for us. We're
15 really saddened to see John retire, but that's what happens and
16 we have hired Ida Hildebrand who was at the Kake meeting. Ida
17 has done a tremendous job for us in a different light. Ida's
18 very technical, she has a law degree and I believe that really
19 brought some objectivity to her thinking. She does a very good
20 job for me. She keeps me informed. She's traveling now out in
21 the hinterlands of Alaska somewhere. And when she comes back,
22 she invariably writes a report to me and faxes it to me, so she
23 keeps me well informed. And she has to because the type of job
24 I have, there's just know way that I can be as informed on
25 subsistence as I'd like to be because we have all these other
26 issues, housing, education and everything else that we have to
27 deal with, land. So the Bureau just doesn't have the resources
28 to have a big subsistence staff. Basically there's Ida
29 Hildebrand, a subsistence specialist and me, that's it. We
30 have about -- and her budget, probably less than \$100,000 and
31 my budget is a separate budget, but it doesn't allow for us to
32 hire anybody else. And we don't see ourselves hiring new
33 people even if we get into the fisheries. We just will not
34 have the money. So we're just going to have to use our time
35 more wisely. What I get concerned about is, if we get into
36 fisheries, we may be 60 days a year in meetings. Sixty days a
37 year in meetings, you know, for you folks is going to be tough
38 and for guys like me, it's going to be tough to try to balance
39 what I have to do. But we'll do what we need to do.

40
41 So I just wanted you to know that the Bureau of Indian
42 Affairs has had a million problems in this State and in the
43 whole Federal regime dealing effectively and on a partnership
44 level with Indian people, we believe that that's changed. We
45 believe that, particularly in the State of Alaska, we have a
46 very good relationship. The Bureau has essentially turned over
47 all of its resources to the tribes. Of the roughly 80 million
48 dollars that comes into this State, all but about six million
49 dollars goes out to the tribes. And in the six and a half

50 years that I've been here, we've cut our work force from over

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1 300 to less than a hundred now. So we're at the point, where I
2 believe that what we should be doing is advocacy for the tribes
3 and that's pretty much what we concentrate on. We don't
4 provide services. And we believe that what we're doing right
5 now is at about the appropriate level, maybe a little smaller
6 we will get, but we haven't disappeared, it's just that we've
7 shifted the resources to the tribes. I'm not sure what the
8 Sitka tribe receives on an annual basis from the Bureau of
9 Indian Affairs, but it's probably more than we wanted to give
10 them and probably less than what they wanted. I would say
11 that's probably similar with all the tribes in Alaska.

12
13 I don't have anything else. I'm available for
14 questions, I'll be here through the morning. I'm going to try
15 to get back to Juneau. My wife's been calling me, she's stuck
16 in our driveway and we got four inches of snow in Juneau. Any
17 questions, I'll be glad to answer? Further observations, you
18 know, me I'll talk for hours.

19
20 There's a lot of -- I've been there six and a half
21 years, I am probably going to leave this year, at least, that's
22 my feeling, it's about time for me to move on. So I may be
23 gone by the end of the year, don't be surprised if you see me
24 show up somewhere else, I'm like a bad penny, I keep turning
25 up.

26
27 CHAIRMAN THOMAS: Well, we certainly appreciate your
28 insight and perspective with regards to the Venetie case and
29 the objectivity and your limitations, but your continued
30 commitment to subsistence are all very important and we
31 appreciate everything that you've done so far. And we look
32 forward to, as long as you're still a player, in this issue,
33 we'll always look forward to your support and your wisdom and
34 your examples, things like that. There's a lot of components
35 in a role like you have and image means a lot a lot of the
36 time. And we respect and appreciate that. And hopefully your
37 successor will be as supportive.

38
39 MR. CESAR: Probably not as good looking.

40
41 CHAIRMAN THOMAS: I don't think so. That's why I never
42 mention it, you know, it's unquestionable. But thank you very
43 much and hopefully the members will think of something they'll
44 want to pick your brain while you're here and we appreciate you
45 taking the time to be here.

46
47 MR. CESAR: Thanks, Bill, I appreciate it.

48
49 CHAIRMAN THOMAS: Thank you.

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1 MR. CESAR: Thank you.

2

3 CHAIRMAN THOMAS: How close are we to a quorum, one,
4 two, three, four, five, six.

5

6 MS McCONNELL: Are there some planes due in or
7 something?

8

9 CHAIRMAN THOMAS: I guess so.

10

11 MR. CLARK: Mr. Chairman, we are expecting other
12 Council members to show up, just whenever the weather allows
13 and it should be sometime this morning, at least I hope so.
14 Looking out the window it looks like the fog is kind of rolling
15 in.

16

17 CHAIRMAN THOMAS: Well, I realize that. I'm trying to
18 think of some way we can continue with parts of our agenda that
19 doesn't require the presence of a quorum.

20

21 MS McCONNELL: Is Vicki still sick?

22

23 CHAIRMAN THOMAS: Vicki, Dolly.....

24

25 MS McCONNELL: I mean Dolly?

26

27 CHAIRMAN THOMAS: Yeah. Is Schroeder still here?

28

29 MR. CLARK: He's back there.

30

31 CHAIRMAN THOMAS: Bob, did you have anything to offer
32 from your office to enlighten us with?

33

34 MR. SCHROEDER: I don't know Mr. Chairman, I think
35 we'll have to rely on you for enlightenment.

36

37 CHAIRMAN THOMAS: We can do that.

38

39 MR. SCHROEDER: I'd like to comment on proposals when
40 you get there. And I could fill you in on just a couple of
41 things.

42

43 CHAIRMAN THOMAS: That would be helpful.

44

45 MR. SCHROEDER: Without taking a whole lot of time, I'm
46 -- just for the record, I'm Bob Schroeder, Regional Program
47 Manager for Division of Subsistence Fish and Game. There's
48 just a couple of things I'd let you be aware of. I'd like to
49 thank the Council for support over the past year on the

50 Division's program and we are able to proceed with actually

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1 gathering some new data, which has been a complaint that I know
2 the Council's had and I've had that mainly we've had to rely on
3 information that's increasingly out of date. So we are
4 starting a survey project which is going on right now in
5 Angoon, Kake, Hoonah, Haines and will be starting in Sitka. We
6 also completed surveys in Point Baker and Port Protection. So
7 your support was real useful in that, hopefully we'll be doing
8 coverage of all of Southeast in the next couple of years.

9
10 Beyond that, I think I'd like to comment on proposals
11 when they come up, otherwise, I enjoy seeing all of you again
12 and the opportunity to interact. I really welcome any requests
13 for information from the Council or from Fred on any issues.
14 One thing that is on my mind is that I really believe that kind
15 of following on Niles presentation is, we're definitely going
16 to be in a situation where there is dual management for the
17 foreseeable future. There's nothing there that's going to
18 change that over the next year or two, for sure and possibly
19 longer. And I think it's really in the interest of subsistence
20 users and also the fish and wildlife resources that we're all
21 concerned about, that we try to get these systems to work as
22 well as they can so I really support coordination between the
23 Federal and State government.

24
25 Let's see I will remind the Council and those present
26 that the Council was able to help out quite a bit on an
27 important State issue and basically broke a deadlock last year
28 on the use of animals for ceremonial purposes and potlatches.
29 And if Mr. Thomas and another representative from Southeast
30 hadn't taken the time to go and present to the Board of Game in
31 Fairbanks, I think that a gridlock on that issue wouldn't have
32 been broken. So that's an example of someplace where the
33 system works okay. There -- because of a reference of the
34 Council, we kind of got something to work better than it did
35 otherwise. I wish we had quite a few more examples. Thank
36 you.

37
38 CHAIRMAN THOMAS: Yeah, another example that comes to
39 mind was the emergency that presented itself on the Stikine
40 River with regard to the moose. Was it last year or two years
41 ago? Anyway, before anything could happen, they kind of needed
42 our endorsement and I got a phone call and I said, well, by all
43 means and then notify the Council afterwards because it was so
44 urgent that we didn't have time to send paperwork to everybody.
45 But it got to me and as the Chairman, my endorsement was
46 necessary for that to happen and it happened within a matter of
47 a couple of hours, I guess. And so what Bob said is very true,
48 because the cooperation and the combination of resources and
49 information are going to be becoming increasingly vital.

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1 Which reminds me, hopefully when you get your first
2 being able to compile the results of your more recent surveys,
3 if you can put together comparisons of the same surveys done
4 earlier, the ones that we thought were kind of outdated, see
5 what the comparison was and kind of give us your analysis of
6 those comparisons.

7
8 MR. SCHROEDER: Bill, that's something I'm really
9 interested in. Because you know, we've been at it for quite a
10 while now. But really it's very hard to say what sort of
11 changes are taking place over time in subsistence uses.

12
13 CHAIRMAN THOMAS: Right.

14
15 MR. SCHROEDER: And then the question will be if we do
16 see that there are changes, what's the cause? Is there
17 increased competition, are people using more or less
18 subsistence foods? Does it relate to economic conditions?
19 Things are tighter right now in rural Alaska than they were in
20 the late '80s. I don't know, it's going to be fascinating to
21 look at.

22
23 CHAIRMAN THOMAS: Well, one of the things I have a
24 hunch will show up is what used to be strictly subsistence
25 resources five years ago are now on the commercial market.

26
27 MR. SCHROEDER: Um-hum. (Affirmative)

28
29 CHAIRMAN THOMAS: And that's got to show an impact. So
30 that will be interesting to see what actually is happening and
31 what's there. So it will be good data.

32
33 MR. SCHROEDER: We will report back to the Council.
34 We'll be coming out with fairly short summary reports and I'll
35 make sure the Council gets copies of those probably working
36 through Fred, so you'll get things as soon as data are
37 available.

38
39 CHAIRMAN THOMAS: Anybody else have questions? Mim.
40 You know, you're not representing John Vale at all.

41
42 MS McCONNELL: I didn't know I was supposed to.

43
44 MR. SCHROEDER: Am I excused Mr. Chairman?

45
46 CHAIRMAN THOMAS: No, no, she keeps giving John a good
47 run for his money. Thank you, very much Bob.

48
49 MS McCONNELL: I'm not awake yet.

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1 CHAIRMAN THOMAS: I'm really trying to avoid looking
2 like a mouse grasping for straws, but I'm rapidly losing that
3 ability.

4
5 MS. WILSON: Mr. Chair?

6
7 CHAIRMAN THOMAS: Marilyn.

8
9 MS. WILSON: Why don't you talk about the Regional
10 Council Chairman's meeting before the Board.

11
12 MS McCONNELL: Yeah, why don't you talk about that.

13
14 MS. WILSON: That was real interesting when I read
15 that.

16
17 MS McCONNELL: That report was interesting.

18
19 CHAIRMAN THOMAS: Okay. We had different issues that
20 were presented. Let's start with integrating traditional
21 environmental knowledge and western science.

22
23 The language on that was changed. The traditional
24 environmental knowledge is changed language. Do you remember?
25 Anyways, when it was first offered, we weren't sure what they
26 meant by this. And then we read the background. As of co-
27 management, the concept of traditional and environmental
28 knowledge have become widely discussed throughout Alaska in the
29 past decade. At the core -- I got an acronym already TEK, TEK
30 refers to the accumulated understanding of a natural world.
31 Gathered and held by a non-industrial cultural group as a
32 result of thousands of years of intimate reliance on the local
33 environment. TEK often includes richly detailed understandings
34 about the seasonal movements of animals, the indicators of
35 their abundance and distribution, the reproductive cycle and
36 responses to weather and even to human disturbance. All of
37 these contribute to a wide repertoire of strategic and
38 efficient hunting techniques in traditional hunting societies.
39 Not much subsistence language in that one.

40
41 Beyond the accumulation of close empirical observation,
42 TEK -- this is really technical subsistence here, TEK also
43 encompasses non-empirical elements that are openly spiritual,
44 seeking to situate humans and animals in the cosmos and to give
45 foundation for an ethical system of behavior between humans and
46 animals. In this respect, TEK may be taken as an integrated
47 world view, and in some people's outlook, it is the same as the
48 whole of an indigenous culture. In short, the terms are highly
49 value-laden. Particular care must be taken in discussions to

50 avoid the mis-perception that one culture is judging or

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1 challenging the dignity of another. Yeah, we've been
2 discussing that for some time.

3
4 The dialogue about TEK and western science is further
5 complicated by two very different perspectives on the
6 relationship and interaction between them. In one outlook, the
7 two world views are opposites, with little in common. One
8 influential version of these contrasts was offered by Larry
9 Mercurief.

10
11 How can I.....

12
13 MS McCONNELL: Can I ask you a question?

14
15 CHAIRMAN THOMAS: Yeah.

16
17 MS McCONNELL: What were the -- who wrote the issue
18 papers? Did they come from you guys or did it come from.....

19
20 CHAIRMAN THOMAS: They came from different Regional
21 Councils.

22
23 MS McCONNELL: Okay.

24
25 CHAIRMAN THOMAS: Different Regional Councils.

26
27 MS McCONNELL: And they were presented to the
28 Subsistence Board?

29
30 CHAIRMAN THOMAS: Yes, no not to the Board, but we
31 discussed them among the Chairs.

32
33 MS McCONNELL: So they're like policy statements or
34 something like that?

35
36 CHAIRMAN THOMAS: Yeah.

37
38 MS McCONNELL: Or just.....

39
40 MR. CLARK: Mr. Chairman?

41
42 CHAIRMAN THOMAS: Yes.

43
44 MR. CLARK: They're just basically kind of a
45 compilations of information that Staff produced for the Council
46 Chairs and the Federal Subsistence Board members.

47
48 MS McCONNELL: Okay.

49

MR. CLARK: To kind of give both the Board members and

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1 the Chairman kind of a common source of documents to work from
2 in their discussions.

3

4 MS McCONNELL: Okay.

5

6 MR. CLARK: I do have kind of a summary of what
7 happened at that meeting.

8

9 CHAIRMAN THOMAS: I do too, but it didn't get in my
10 briefcase. I'm trying to find some way to express this
11 comparison; one influential version of these contrasts was
12 offered: Okay, with -- well, perspectives on the relationships
13 and interactions, Western perspective would be linear, Native
14 perspective is circular. Western, talks a great deal, Native,
15 listens. Western, decides with numbers, Native, decides with
16 issues. Western, thrives on details, specialized, Native,
17 looks for large picture (holistic). Western, looks at parts of
18 the whole, Native, looks at connection of parts. Western, void
19 of spirit, Native, filled with spirit. Western, objective,
20 Native, subjective. Western controls environments, Native,
21 lives with all creation, adapts to environment. Western, goes
22 to extremes, Native, lives in balance. Western, uses male
23 structures, Native, uses female structures.

24

25 And it gets more exciting as we go along here.

26

27 MS McCONNELL: I've got the whole thing here.

28

29 CHAIRMAN THOMAS: Oh, do you?

30

31 MS McCONNELL: Yeah.

32

33 CHAIRMAN THOMAS: Thank you. Okay, another issue
34 brought forth was annual reports. We get instructions from the
35 Chair and from the Federal government on what they'd like to
36 see included in the annual reports. Consequently, there's
37 really nothing substantial in those reports, in fact, the
38 comment was made that all they did was recognize more rhetoric
39 and everybody agreed with that that had to do with those
40 reports. So there's some effort put into that to try to make
41 them more meaningful and more representative. Also for follow-
42 up items, make Board responses to annual reports more
43 forthright and less perfunctory. Recognize that annual reports
44 are significant means of communication between the Regional
45 Councils and the Board. So that is just summarizing.

46

47 There was a lot of dialogue. Restructuring the Federal
48 Subsistence Board. This was brought by the Seward Peninsula
49 Regional Advisory Council. They've been of the attitude and

50 conviction that the Federal Board should be made up of the

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1 Council Chairs. And that was discussed, I don't remember what
2 the -- let me see what I got here, thanks to Mim. Okay, the
3 issue was raised that the Regional Council Chair meeting held
4 the evening of November 19, '96, Council Chairs feel the
5 current Federal Subsistence Board membership consisting of
6 agency, State and Federal directors is inadequate and
7 unnecessary for the purpose of Title VIII of ANILCA. And
8 suggested restructuring the Board so that it's composed of
9 Regional Council Chairs. But that's been too elaborate and
10 rationale for the proposed restructuring, attachment three
11 provides additional information concerning Board structure.
12 The decision to restructure the Board is the responsibility of
13 the Secretary's of Interior and Agriculture and not the Board
14 according to the Regional Chairs. Accordingly, if the Regional
15 Council chairs choose to pursue such a request, it should be
16 directed to the Secretary's.

17
18 So we have one region that has a tendency to leave the
19 Board out of the communications with the Secretary. And I
20 don't know whether other regions are supporting that particular
21 format or not. I try not to. And I don't know that I've
22 fallen into that. But it's very essential that we keep
23 functioning as a management unit.

24
25 Alaska Native Tribal Policy. The Regional Council
26 Chairs will convene to develop an Alaska Native Policy.
27 Comments pertaining to the issue were as follows. An Alaska
28 Native Policy is a means of assuring commitment to Alaska
29 Natives and subsistence users are fulfilled. This assurance is
30 necessary given the Federal government's lack of commitment to
31 subsistence management as evidenced by its claim, that is,
32 mentioning the Title VIII priority only until the State can
33 resume subsistence management authority. The Alaska Native
34 Policy is a means of assuring continued recognition of and an
35 opportunity for exercises of Native subsistence rights.

36
37 I never struggled with that particular concept because,
38 like I reminded this Council in the past, that the subsistence
39 issue is not a racial issue, it's a geographical issue. And
40 unless I see otherwise I'm going to continue offering guidance
41 to this Council to approach it as such.

42
43 Per diem, that's one I agreed with. Said that we're
44 underpaid and overworked and that's very true. I think this
45 came from the Eastern Interior region. And they gave figures
46 to be considered. It says, various rates could be used to
47 estimate the cost of being Regional Council members. Reference
48 points could be taken from other regional entities, such as
49 boards of education, some of which offer honorarium to their

50 members. Rates of \$100 to \$200 a day would be examples. This

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1 would result in aggregate cost of \$55,00 to \$110,000. Another
2 reference point from the Federal service would be to employ the
3 daily rate for a GS-12, step one, 161 bucks to figure daily
4 pay. When using that rate, the estimated total cost to pay
5 members is approximately 89,000. The final point of comparison
6 is the Yukon Salmon Treaty Commission, for which members,
7 including some also involved Regional Council are provided an
8 honorarium of 300 bucks a day, and this rate the aggregate cost
9 would be 165,000 bucks. I want everybody to vote for more per
10 diem for the Council Chairs. When that happens I want to be a
11 (indiscernible). Does that sound reasonable, Niles?

12
13 MR. CESAR: You got my vote, Bill.

14
15 CHAIRMAN THOMAS: Okay, thank you. Well, let's see we
16 got a circle here and this is.....

17
18 MS McCONNELL: I circled it.

19
20 CHAIRMAN THOMAS: Proper reverence and restraint for
21 custom, traditions -- okay, let me see what this is here.

22
23 MS McCONNELL: You don't need to worry about it. I
24 think I just liked what I read.

25
26 CHAIRMAN THOMAS: That gives me reason to worry. Okay,
27 you're right, no worry.

28
29 Okay, Regional Council Chairs should sit a voting
30 Federal Subsistence Board members -- oh, we already went
31 through that. Yeah, they're pretty mad at those agency guys.
32 You can't trust them sometimes, you know, where the Chairs are
33 trustworthy all the time, without fail.

34
35 Like I said, substantial evidence and decisions weren't
36 discussed. The use of State advisory committees and Federal
37 subsistence program. That was discussed in the event of a dual
38 management to consider working together with the State's
39 version of their advisory councils to work together with the
40 Federal Regional Advisory Councils. That's pretty self-
41 explanatory.

42
43 I like this one, Tribal co-management. Somebody told
44 me, you cooperate and they'll manage. So that was my quick
45 thumbnail summary of that when somebody explained that to me.
46 The Seward Peninsula Regional Council has urged the Federal
47 Subsistence Board to adopt the priority of establishing tribal
48 co-management. This paper will focus on the topic of co-
49 management, leaving the question of an Alaska Native policy to

50 a separate discussion. So that's pretty self-explanatory.

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1 I thank Mim for having all this in order. That pretty
2 much covers what we spent a whole day -- we spent a lot of
3 time, there was a lot of people, a lot of different mind sets,
4 different attitudes that led to a lot of discussion, good
5 discussion. And there were some anxious moments, but it turned
6 out to be a good productive meeting. It's a meeting that they
7 want to see happen, hopefully on an annual basis and maybe that
8 will happen.

9
10 Hi, Mark. Glad to welcome Mark to our meeting, Mark
11 Jacobs.

12
13 MR. JACOBS: Thank you.

14
15 CHAIRMAN THOMAS: Um-hum. (Affirmative)

16
17 MR. CLARK: Mr. Chairman?

18
19 CHAIRMAN THOMAS: Fred.

20
21 MR. CLARK: I just might add that the plan is that the
22 group of the Council Chairman are planning on meeting again
23 prior to the Federal Subsistence Board meeting in April. So
24 that will be the next time that they all get together as a
25 body. And at that time they will follow-up on some of those
26 items, such as the Alaska Native Policy and the restructuring
27 of the Federal Subsistence Board and some of those issues will
28 be taken up at that time.

29
30 CHAIRMAN THOMAS: Okay, thank you. Any agencies walk
31 in while I was busy with that?

32
33 MR. CLARK: Mr. Chairman?

34
35 CHAIRMAN THOMAS: Yes, Fred.

36
37 MR. CLARK: I'd like to ask Bill Knauer if he has any
38 inside into anything that's happened with Staff relative to the
39 Council of Chairman and the issues that were brought up then or
40 any other Staff members from the office of subsistence
41 management or Staff committee?

42
43 MR. KNAUER: The only thing I have to report, Mr.
44 Chairman, is that the issue of Regional Council member
45 compensation. The Board has recommended that a document be
46 prepared for transmittal to the Secretary of Interior and
47 Agriculture and that is currently in the works. And hopefully
48 by the time the Council meetings are concluded, that document
49 will be ready to be forward for the Secretary's action. And

50 each of the Councils will receive copies of that packet.

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1 CHAIRMAN THOMAS: Okay, thank you. Robert.

2

3 MR. WILLIS: Good morning, Mr. Chair.

4

5 CHAIRMAN THOMAS: Good morning.

6

7 MR. WILLIS: Robert Willis, U.S. Fish and Wildlife
8 Service. Since we're looking for things to talk about here,
9 I'll remind the Council that, as I told you last fall at the
10 meeting in Kake, I'm working on a wildlife management handbook
11 for all the Council members. Obviously that was put on hold
12 while we get through the proposals.

13

14 CHAIRMAN THOMAS: You want to pull the mike a little
15 bit closer to you.

16

17 MR. WILLIS: That's been put on hold as we get through
18 the proposal season and I'll pick it up again after the April
19 Board meeting. So I'd like to take this opportunity to thank
20 Dolly Garza for her comments and to chastise all the rest of
21 you for not sending me any comments. But you still have a
22 couple of months to get those in if you still have those sample
23 chapters that I gave you to look over and you have the time to
24 send me some comments on those, I'll still be glad to get them.
25 They're stacked up on the corner of my desk now waiting for the
26 end of the April Board meeting when I'll have time to get back
27 to that once again. Thank you.

28

29 CHAIRMAN THOMAS: Thank you. Mark, we're not into our
30 proposals yet, we're into kind of a comment period. We don't
31 have a quorum yet because of travel because of weather. And if
32 you had any comments you'd like to offer, please feel free to
33 do those or whenever it strikes you, just let me know and we'll
34 do that. So anytime you have anything to offer, we'll take it.

35

36 MR. JACOBS: Right now okay?

37

38 CHAIRMAN THOMAS: Yes.

39

40 MR. JACOBS: Thank you, Mr. Chairman.

41

42 CHAIRMAN THOMAS: Mark.

43

44 MR. JACOBS: Members of the board. I started my
45 meeting at 7:30 this morning with State parks, we also had an
46 appointment with Mr. Jim Franzel from the Forest Service
47 concerning the Signaki Islands. That problem is not yet
48 resolved. But there are certain things that I have watched
49 with the Federal subsistence management and compared them with

50 the State of Alaska. I think you'll find my proposal in your

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1 files on the sac roe fishery.

2

3 I realize it might be premature yet to have the Board
4 grapple with the navigable waters issue. But I find that over
5 the past few years the subsistence issues have been prevailing
6 in the courts. The very last one was navigable waters that I
7 remember of. Also the Venetie case is another one. I did have
8 a chance to have some input during the inauguration week in
9 Washington, D.C., to comment on the opposition to Indian
10 country. Now, this doesn't concern every member on the Board,
11 but I still think that we are prevailing in that area. Our
12 congressman is kind of having a wishy-washy opposition to us.
13 But I think that we can point out the facts that some of these
14 things are not subject to statutory laws that can be created.
15 Because the word, inherent, is forever. And the Federal people
16 that are controlling you right now and the State people prefer
17 to use customary and traditional and they lay off the word,
18 inherent.

19

20 We know that inherent rights exist, it cannot be
21 outlawed, can't be taken away, can't be negotiated. We stand
22 on that. But the laws are so full of ambiguities. We still
23 haven't prevailed, but we're winning all the way. Thank you.

24

25 CHAIRMAN THOMAS: Thank you, Mark. Okay, the Chair
26 will declare a five hour break -- 10 minutes.

27

28 (Off record)

29 (On record)

30

31 CHAIRMAN THOMAS: Don't abuse your privilege that I
32 don't have no gavel. Our meeting's back in order and Mr. Cesar
33 has requested to make another announcement and we'll hear that
34 at this time. Following that, Harold Martin has some
35 information he'd like to share with us. Niles.

36

37 MR. CESAR: Thank you, Mr. Chairman. Again, my name is
38 Niles Cesar with the Bureau of Indian Affairs. I just wanted
39 to make a short announcement that the Alaska Federation of
40 Natives, the full board will be meeting next week in Juneau.
41 It's their annual meeting and they come down for two days and
42 the full board meets. As a part of the meeting this year,
43 there will be a Federal panel on the Venetie decision that will
44 take place on the 20th of February and I'm not sure of where,
45 maybe the Centennial Building or the ANB Hall. Anyway, there
46 will be a panel of people. When I talked to Julie Kitka, the
47 president, last week, she indicated to me that they would have
48 both Federal, State and maybe some private folks come in and
49 talk about the effect of the Venetie decision.

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1 And I think that's good because not only should we be
2 talking amongst ourselves, but we really need to hear
3 everybody's thoughts on it. And I'd heard originally that she
4 was going to ask Robin Taylor to make some comments about the
5 Venetie decision and as you might suppose it'd probably be a
6 little different than the opinion of the solicitor of the
7 Department of Interior or Deborah Williams, the Secretary's
8 assistant. So I just wanted to bring that to your attention
9 that those folks will be in Juneau and if you have an
10 opportunity to be in Juneau, I've been assured that it's an
11 open meeting so that folks can come in and sit down and listen
12 to it. I think if you have any thoughts or concerns about the
13 Venetie decision, that would be a good place to learn them.
14 Heather Kendall, as many people know is a Native American
15 Rights Fund attorney and she has put out a paper on some of the
16 issues surrounding Venetie and has done an excellent job of
17 that and I would recommend people to read that also.

18
19 But we're going to be hearing so much about the Venetie
20 decision over the next year or so, it'd be very helpful for
21 anybody just to sit in and try to get an update on that. So
22 thank you.

23
24 CHAIRMAN THOMAS: Appreciate it, thank you.

25
26 MS. WILSON: What date?

27
28 MR. CESAR: Beg your pardon? The date, the full board
29 meeting for AFN is the 19th and 20th of this month and that
30 will be held in Juneau. And I'm just not sure whether it's at
31 the ANB Hall or it's at the Centennial Building, it would be
32 one of them. Thank you.

33
34 CHAIRMAN THOMAS: Thank you, Niles. Harold.

35
36 MR. MARTIN: Thank you, Mr. Chairman, members of the
37 Council, ladies and gentlemen. For the record, my name is
38 Harold Martin. I am the Subsistence Director for Central
39 Council Tlingit/Haida Indian Tribes of Alaska. I'm also the
40 president of Southeast Native Subsistence Commission which is
41 an affiliate of the Central Council. We represent slightly
42 over 22,000 enrolled members. I passed out a packet on the
43 recognition of -- of halibut as a subsistence resource. I'd
44 like to just give you a brief overview of how this came about.

45
46 Last year at our annual general assembly of the Central
47 Council, there was a resolution submitted to the Central
48 Council from Angoon from their research and the recognition of
49 halibut as a subsistence resource. These resolutions went out

50 to various agencies and evidently Senator Stevens sent it to

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1 the North Pacific Fisheries Management Council. The letter got
2 back from the -- Stevens got back from the commission stated
3 that they had the statutory authority to deal with this
4 particular issue and we've been pushing this thing since --
5 just to keep the door open. You'll remember in the past that
6 we've always approached the International Pacific Halibut
7 Commission and they've always slammed the door in our faces.
8 They didn't even want to talk about halibut as a subsistence
9 resource.

10
11 But we believe this action came from two incidents that
12 took place last summer. One took place in Angoon where three
13 people were cited for fishing with a longline. Two of these
14 people were unemployed -- well, all three of them were
15 unemployed and one of them was a handicapped person. Also up
16 among the Nelson Islands, the law enforcement for the Federal
17 agents found out that people were fishing up there and there
18 was no enforcement, so they had to react to this one way or
19 another. Incidentally, the Angoon case, very recently, got
20 thrown out, Judge Zervos decided that fishing with one line and
21 two hooks did not present a reasonable opportunity for
22 subsistence fishing.

23
24 There was a meeting of agencies back in December,
25 various Federal agencies, at which time Jane DiCosimo was
26 appointed to work with the committee. There was an appointment
27 of a halibut committee, it was made up of eight members. Robin
28 Samuelsen was appointed as the Chair of this committee. We did
29 have three people from Southeast on this committee, Ted
30 Borbridge, Matt Kookesh and myself. All the other host of
31 communities had one representative. There was a meeting of the
32 committee on January 22nd at which time we brought forth
33 recommendations. The North Pacific Fisheries Management
34 Council had a meeting last week, I understand adopted most of
35 the recommendations we brought forth. Incidentally, these
36 recommendations are in your packet. The packet I presented you
37 was kind of in chronological order going back to when this
38 issue started.

39
40 One of the recommendations that came forth from the
41 director of the International Pacific Halibut Commission,
42 Donald McCockren stated that the best thing we could do was
43 pursue a treaty through the halibut -- treaty between Canada
44 and the United States. Now, there should be -- there was no
45 contention whatsoever as to the use of halibut, the historical
46 use of halibut by Native people. There's books on hooks and
47 the methods of fishing that are well documented. So there was
48 no contention on the aboriginal use of halibut use by Native
49 people.

0029

1 We respectfully ask this Council -- I think we're a
2 little too late to submit a proposal, but we respectfully ask
3 this Council to endorse these recommendations that are set
4 forth by the halibut committee. We did -- in the
5 recommendations there were a number of things, one is an
6 enforcement during the interim between now and when regulations
7 come out. We anticipate regulations will come out. Work out
8 the law enforcement between Natives and the various agencies.
9 Currently, as you all know, Natives are subject -- becoming
10 criminals when they fish for food for their families.

11
12 We recognize that we pushed very strongly for an
13 amendment to the International Pacific Halibut Commission
14 Treaty to include subsistence. Last, we recommend that we
15 research the co-management concepts for managing halibut and
16 enforcement of halibut. I want to point out that halibut is
17 not a conservation issue. It is not a threat to commercial or
18 sports fisheries. Under a new formula by the North Pacific
19 Fisheries Management very recently, they estimated that there
20 was more fish than they ever counted with their old formula.
21 As a result they were increasing the number of fish that are to
22 be taken in 1997 -- they're increasing the quota from 48.66
23 million pounds to 66.2 million pounds. Now, this is a
24 recommendation from the North Pacific Management Co to the
25 International Halibut Commission. This means an increase of 10
26 million pounds in area 2(C). If this is approved, this is for
27 Southeast.

28
29 Also it should be noted that the sports fisherman
30 subsistence take is already counted in the quotas that are
31 allowed in each area.

32
33 Mr. Chairman, this is all I have, everything in your
34 packet is self-explanatory. I thank you.

35
36 CHAIRMAN THOMAS: Appreciate that. For my own
37 clarification, do you have a specific language on a
38 recommendation that we can endorse??

39
40 MR. MARTIN: Well, no, just I outlined the
41 recommendation. There is recommendations; I outlined three
42 recommendations I wanted you to.....

43
44 CHAIRMAN THOMAS: Where are they at?

45
46 MR. MARTIN:enforce those recommendations. These
47 are in the form of resolutions or a proposal.

48
49 CHAIRMAN THOMAS: Oh, one, two and three?

0030

1 MR. MARTIN: Yes, on my cover page, yeah.

2
3 CHAIRMAN THOMAS: Okay.

4
5 MR. MARTIN: But the recommendations are in the second
6 packet.

7
8 CHAIRMAN THOMAS: The reason I was asking for a
9 specific language is to make sure our endorsement would have
10 the fullest possible clout. Any questions from the Council
11 members? I need some guidance. What's your thoughts on our
12 endorsement, do you agree that we should endorse it?

13
14 MS McCONNELL: Yes.

15
16 CHAIRMAN THOMAS: Okay. That being the case, then I
17 need some guidance on how we should proceed while Harold is
18 here. Shall we take official action to go ahead and endorse
19 and then maybe establish a working committee to work with
20 Harold on more specific language and directing of that
21 endorsement?

22
23 MS McCONNELL: I so move.

24
25 CHAIRMAN THOMAS: Where's your paper? We're taking an
26 official time out, 20 seconds.

27
28 MR. CLARK: Mr. Chairman?

29
30 CHAIRMAN THOMAS: Fred.

31
32 MR. CLARK: During that 20 seconds, I suggest that you
33 could declare a quorum, we are now seven people here.

34
35 MS McCONNELL: That's a good idea.

36
37 MR. CLARK: And then you can feel.....

38
39 MS McCONNELL: Then we can actually make motions.

40
41 CHAIRMAN THOMAS: Only the secretary can do that.

42
43 MR. CLARK: You might have to make a designee.

44
45 MS McCONNELL: We don't have one, you have to do that.

46
47 CHAIRMAN THOMAS: A designee. Who wants to be a
48 designee? Someone has a chance to have a moment of glory.
49 Okay, Herman will be our secretary and he declares a quorum.

0031

1 MR. MARTIN: Mr. Chairman, if I may. From past
2 experience in working with your Council, I remember Mr. Clark
3 is very good at analyzing these types of things and writing
4 letters accordingly.

5
6 CHAIRMAN THOMAS: I agree. So how do you want to do
7 this, make sure that we have appropriate language that both of
8 us understand what we're submitting so that we don't have any
9 glitches. Glitches is a new Tlingit word.

10
11 MR. MARTIN: What's it mean?

12
13 MS. WILSON: Could I ask you a question?

14
15 MR. MARTIN: Sure.

16
17 MS. WILSON: Is the draft, the report, halibut
18 subsistence committee, is this what's going to be handed in?

19
20 MR. MARTIN: No, this report went to the North Pacific
21 Fisheries Management Council last week.

22
23 MS. WILSON: This whole report?

24
25 MR. MARTIN: Yes. And they adopted most of them.
26 There are some questions on -- as to quotas. They suggested a
27 20 fish quota, which we disagree with, this would make our
28 proposal useless, in that, we're already allowed two fish with
29 one line -- I mean two fish a day with one line and two hooks.
30 You can't dictate how many fish you catch on one skate. We
31 recommend a line up to 1,800 feet with up to 60 hooks. Now,
32 this is just a recommendation. Lines up to 1,800 feet means
33 one skate, a skate as we know it from commercial fishing. But
34 that means it's very optional. If a person wanted to use 500
35 feet of line and put 16, 15 hooks on it, well, that's fine
36 that's his -- but we say up to 1,800 feet with up to 60 hooks.

37
38 MS. WILSON: I think we should ask for the same amount
39 they give to the by catch. All those fish they dump overboard
40 and they're already dead, I wish they'd remember that when they
41 think about this.

42
43 MR. MARTIN: I agree with you.

44
45 MS. WILSON: It makes me mad.

46
47 MS. RUDOLPH: Harold?

48
49 MR. MARTIN: Yes.

0032

1 MS. RUDOLPH: Have you gotten a hold of different
2 villages on this?

3
4 MR. MARTIN: Yes.

5
6 MS. RUDOLPH: Have you had any response from them?

7
8 MR. MARTIN: Not yet.

9
10 MS. RUDOLPH: Because I know when I was getting ready
11 to come to this meeting, a couple of tribal members were
12 talking about addressing this and I was just wondering because
13 I would like to see some villages respond to it.

14
15 MR. MARTIN: I'll give these packets out to them.

16
17 CHAIRMAN THOMAS: Okay, here is the motion.

18
19 MS McCONNELL: It's just preliminary.

20
21 CHAIRMAN THOMAS: We're struggling for language. We
22 want to be language correct. It's going to be Mim's motion; I
23 move that the Council support the efforts of the Native Halibut
24 Committee in their efforts to protect traditional harvest of
25 halibut. That's a motion.

26
27 MR. FELLER: I'll second it, Mr. Chairman.

28
29 CHAIRMAN THOMAS: Okay, seconded by John Feller.
30 Discussion?

31
32 MR. MARTIN: Mr. Chairman, a correction on the
33 committee, it's not a Native committee, it's the North Pacific
34 Fisheries Management Council Halibut Committee.

35
36 CHAIRMAN THOMAS: Okay.

37
38 MS McCONNELL: Okay, that's what we were wondering what
39 title to use.

40
41 CHAIRMAN THOMAS: Thank you. We try to be careful in
42 staying consistent with ANILCA. We're more geographic than
43 they are.

44
45 MR. MARTIN: This particular issue has nothing to do
46 with ANILCA. It does not fall into.....

47
48 CHAIRMAN THOMAS: No, we know that.

49

MS McCONNELL: Right, right, yeah.

0033

1 CHAIRMAN THOMAS: It's what our Council does. No
2 discussion?

3
4 MR. FELLER: Mr. Chairman?

5
6 CHAIRMAN THOMAS: Are you guys going to rubber stamp
7 this or what?

8
9 MR. FELLER: Comments, I guess to Harold. There's no
10 mention of poundage, I guess we're trying to stay away from
11 poundage on this?

12
13 MR. MARTIN: Yes.

14
15 CHAIRMAN THOMAS: There's no limit on subsistence.

16
17 MR. FELLER: Okay.

18
19 MR. MARTIN: We're under the impression to meet again
20 to work these things out. Because the conditions are different
21 in different environments. Like up North -- up North, they
22 prefer to fish with one line and three hooks. I mean for us,
23 in Southeast, it's more efficient to fish with a skate than one
24 line and two hooks.

25
26 CHAIRMAN THOMAS: Those in the audience have heard the
27 discussion and the motion, is there anybody in the audience
28 that has any thoughts around this? Further discussion from the
29 Council?

30
31 MS. WILSON: Question.

32
33 CHAIRMAN THOMAS: The question's been called for. All
34 those in favor of adopting this motion say aye.

35
36 IN UNISON: Aye.

37
38 CHAIRMAN THOMAS: Opposed same sign.

39
40 (No opposing votes)

41
42 CHAIRMAN THOMAS: Motion passes. And we'll pass that
43 down to our Recorder, thank you very much.

44
45 MS McCONNELL: To the secretary?

46
47 CHAIRMAN THOMAS: To the secretary, yes. Madam
48 Secretary.

49

MR. MARTIN: Thank you, Mr. Chairman, members of the

0034

1 Council, appreciate your time.

2

3 CHAIRMAN THOMAS: Thank you, Mr. Martin. Our
4 Coordinator will be in touch. Our Coordinator and his Staff.

5

6 MR. CLARK: Mr. Chairman?

7

8 CHAIRMAN THOMAS: Fred.

9

10 MR. CLARK: Harold, do you have extra copies?

11

12 CHAIRMAN THOMAS: Right here.

13

14 MR. CLARK: Okay.

15

16 CHAIRMAN THOMAS: Okay, Peg has some information for
17 us.

18

19 MS. ROBERTSEN: Mr. Chairman, my name is Peg Robertsen.
20 I'm a wildlife biologist on the Wrangell Ranger District. Jim
21 McKibbon is our area coordinator for subsistence and he
22 couldn't make it today. So I pulled together some numbers I
23 thought you might be interested in, I'll just give you a brief
24 summary.

25

26 The designated hunter program seems to be going okay.
27 We do hear a few comments from people that they think the
28 system is being abused and we don't know if that's the majority
29 opinion or just the outspoken few. We had 35 people apply for
30 permits in Petersburg and 47 in Wrangell. And we got the
31 reports back just for the Wrangell area and for those people
32 that were hunting took 23 deer and the people they were hunting
33 for, they took 13 deer total. On average, people took two deer
34 for somebody else, but the majority of hunters didn't have any
35 success in getting deer for anybody else. And we sent those
36 results on to the Fish and Wildlife Service and I don't have
37 those numbers for Petersburg.

38

39 For the goat, we generally only have a few people
40 applying for permits. We just had two people apply for the
41 taking a second goat and we don't have any reports back on that
42 yet.

43

44 The moose hunt on the Stikine went well this year.
45 People, overall, are real happy about just having a one permit
46 system. So there's a lot of -- we got a lot of positive
47 response about that. And right now you only need a State
48 permit, you don't need a Federal permit to hunt there. And had
49 more moose being taken this year, I think the number was 13

50 versus seven last year and only one illegal versus last year we

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1 had quite a few illegal moose taken. And the herd seems to be
2 doing pretty well, too. They did a flight -- we coordinated
3 with the State to do a flight and they found 30 animals and a
4 number of calves, eight calves and one case of twins, so the
5 herd seems to be recovering a little bit, too.

6
7 So that's all.

8
9 CHAIRMAN THOMAS: With the feedback that you're
10 getting, is there anything there that led you to suspect abuse
11 with the designated hunter system?

12
13 MS. ROBERTSEN: I guess I can't say. Yeah, it doesn't
14 seem like a lot of deer being taken to me.

15
16 CHAIRMAN THOMAS: It doesn't sound like it according to
17 the report.

18
19 MS. ROBERTSEN: No.

20
21 CHAIRMAN THOMAS: But just -- yeah, it sounds to me
22 like it's kind of following the design?

23
24 MS. ROBERTSEN: Yeah, and those numbers are just for
25 Wrangell, so maybe Robert has more -- you know, better
26 information for the whole area on that.

27
28 CHAIRMAN THOMAS: Questions from anybody? Comments?
29 Chastised, ridicule? Thank you. I guess we'll save our
30 chastising for anthropologists when they come down. Who am I
31 leaving out? Is there anybody here that's leaving that needs
32 to give us a presentation?

33
34 Okay, one thing we can do now that we've got a quorum
35 is we can adopt the agenda, such as it is. We won't need
36 motion forms for those.

37
38 MS McCONNELL: I move to adopt the agenda.

39
40 CHAIRMAN THOMAS: No.

41
42 MS McCONNELL: I thought you said I don't need.

43
44 CHAIRMAN THOMAS: It's been moved to adopt the agenda,
45 is there a second?

46
47 MR. KITKA: Second.

48
49 CHAIRMAN THOMAS: Second by Herman.

0036

1 CHAIRMAN THOMAS: All those in favor say aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN THOMAS: Opposed.

6

7 (No opposing votes)

8

9 CHAIRMAN THOMAS: The agenda is adopted. Have you had
10 a chance to review the minutes? What's your wishes with the
11 minutes?

12

13 MS McCONNELL: I move that we adopt the minutes.

14

15 CHAIRMAN THOMAS: It's been moved we adopt the minutes
16 for September 24th and 25th.

17

18 MS. WILSON: I second.

19

20 CHAIRMAN THOMAS: It's been moved and seconded.

21

22 MS. WILSON: Question.

23

24 CHAIRMAN THOMAS: Question's been called. All those in
25 favor say aye.

26

27 IN UNISON: Aye.

28

29 CHAIRMAN THOMAS: Those opposed same sign.

30

31 (No opposing votes)

32

33 CHAIRMAN THOMAS: Motion carries. The minutes are
34 adopted. Okay, we have a request here to offer some views from
35 Ralph Guthrie, Ralph are you ready? State your name and who
36 you represent, please, for the record.

37

38 MR. GUTHRIE: My name is Ralph Guthrie. I'm a Tlingit.
39 My name is -- Tlingit name is Shegeen (ph). I'd like to talk
40 about the State has started licensing oyster growers, they're
41 taking the clams in the adjacent beaches and expanding the
42 regime and I feel that they are one of our subsistence uses.
43 And since there's a -- quite a few people more have started
44 asking for this licensing for oysters, you know, and I'm kind
45 of concerned that they're licensing oyster ranchers to also be
46 clam diggers or maybe that's what the ultimate aim is is being
47 clam diggers. So I feel it necessary that we address that
48 problem as there's so much of our subsistence uses in the
49 cockles and the clams and the blue mussels and the horse

50 mussels. So you know, the Council -- it's real necessary for

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1 the Council to address this now or in the future, you know,
2 because -- you know, at the rate that they're using the
3 beaches, what's going to be left, you know, for communities.

4
5 So there's another one and I believe it's on Page 70,
6 there's some stuff I'd like to talk about. You know, it has
7 some concerns about taking deer from skiffs. And you know, I
8 think we need to address that the take of subsistence deer of
9 non-resident deer hunters, you know, should be restricted. And
10 there is probably other comments, but that's all I'm concerned
11 about at the moment. Thank you.

12
13 CHAIRMAN THOMAS: Thank you for your offering. Those
14 proposals we'll be getting to and we'll discuss those more at
15 length if there are any. I haven't reviewed to see if there
16 are any. But back to the clam issue. Is it your sense that
17 people are applying for oyster permits as a guise to get access
18 to clams?

19
20 MR. GUTHRIE: You know, during the Board of Fish
21 meetings, there was some indication that that was part of the
22 regime was to get an oyster culture situation, you know, and
23 also get the beach to sue for the digging of clams. So you
24 know, I think it's a two-fold situation there, you know. I
25 think it's very important that while they're getting started,
26 that they have some kind of means of income and I think the
27 means of income was the digging of clams. It originally
28 started out as being adjacent to, that was a beach that was
29 directly inside of the (indiscernible) culture. Well, then it
30 was asked to expand and then it was asked to expand again, so
31 it'd be -- the expansion is, you know, quite huge. And I
32 believe I told you a little earlier that I knew that one guy
33 was digging steamer clams 15 miles from the position where he
34 had his oyster farm at. So you know, once you start giving
35 licenses without being able to monitor, you know, you have the
36 uses of beaches wherever a person finds a good beach, you know,
37 since so much of it's in outlying areas, there's no control of
38 it.

39
40 CHAIRMAN THOMAS: Is that a relatively new harvest,
41 commercial harvest?

42
43 MR. GUTHRIE: I believe it's been going on about, you
44 know, with the few oyster farmers have been going on for, you
45 know, four or five years.

46
47 CHAIRMAN THOMAS: But it's picking up momentum?

48
49 MR. GUTHRIE: It's picking up momentum it looks like.

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1 CHAIRMAN THOMAS: Okay. Like I mentioned earlier,
2 we're not into the fish here, but we're certainly available to
3 offer our endorsement to somebody that's submitting a proposal
4 to those that are responsible for fisheries management. And
5 we'd certainly be glad to offer our endorsement to whatever
6 position you guys could muster up between Jude and you folks,
7 you know.

8
9 MR. GUTHRIE: I'm not understanding how to draw up a
10 position -- petition on that.....

11
12 CHAIRMAN THOMAS: Well, Jude will be able to do that.

13
14 MR. GUTHRIE: Okay.

15
16 CHAIRMAN THOMAS: Yeah, between Jude and Jack you'll be
17 able to put a good one together.

18
19 MR. GUTHRIE: Okay. Well, thank you then.

20
21 CHAIRMAN THOMAS: Thank you. And you'll have an
22 opportunity on proposals as we get to them.

23
24 MR. GUTHRIE: Okay.

25
26 CHAIRMAN THOMAS: Thanks. Mr. Coordinator, does that
27 take us down to proposals now?

28
29 MR. CLARK: We could go to proposals now or we could
30 take care some of the old business in hopes that some of our
31 other Council members may arrive.

32
33 CHAIRMAN THOMAS: Okay. You want to lead us through
34 our old business.

35
36 MR. CLARK: Bill, would you feel good about doing the
37 fisheries update now?

38
39 MR. KNAUER: It will take a few minutes to setup the
40 equipment.

41
42 MR. CLARK: Would you like to hear that or would you
43 rather -- would the Council rather have the fisheries update
44 now.

45
46 CHAIRMAN THOMAS: Two minute recess, we may as well,
47 yeah.

48
49 MR. CLARK: Okay, actually I could -- maybe with

50 Rachel's help talk about the rural issue in the charters,

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1 actually while that's being setup. I could do it

2

3 Essentially the issue was as we brought it up at the
4 last meeting was that in our charter it had inadvertently put
5 in there -- the word, rural, had inadvertently been put in
6 there for a requirement for Council membership. So the
7 question went out to the regional solicitor and other people --
8 actually I think it went all the way to the Washington office.

9

10 CHAIRMAN THOMAS: Everybody say bye Jim.

11

12 MR. CAPLAN: See you later bosses.

13

14 MR. CLARK: The question was whether or not the word,
15 rural, could be in the charters. There are many Councils
16 around the State that wanted the word to be in there in order
17 that their membership would be only rural residents. They felt
18 very strongly about that. So that's why it went up through the
19 ranks of the solicitor's office. Word came back from the
20 solicitor's office that, no, you can't put the word, rural, in
21 there, it's not in the law and there really isn't any other
22 recourse for those Councils who really want to do that. So at
23 this point it's kind of a dead issue.

24

25 CHAIRMAN THOMAS: Yeah, I'll agree to that.

26

27 MR. CLARK: I suspected you would. The next issue
28 would be the annual report -- the draft annual report for 1996.

29

30 CHAIRMAN THOMAS: Well, how about we hold off on that
31 until we do this because we announced that we would do this
32 first and some of us have been, especially the Chairman,
33 needing a distraction.

34

35 (Off record comments)

36

37 CHAIRMAN THOMAS: Others who don't have the same
38 hearing capacity, Bill, so if you would be kind enough to take
39 full advantage of the microphone we would appreciate that.

40

41 MR. KNAUER: I'll be glad to.

42

43 (Off record comments)

44

45 MR. KNAUER: Thank you, Mr. Chairman. The Federal
46 Subsistence Management Program is considering expansion to
47 better meet the subsistence needs. This action is taken in
48 response to the Ninth Circuit Court's recent decision in the
49 Katie John litigation. The case in that particular situation

50 held that the public lands are subject to the subsistence

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1 priority and that they include the waters in which the United
2 States government has a reserved water right. Today we'd like
3 to update the Council members and the members of the agencies
4 and public present on what progress the Federal government is
5 making in implementation of this court mandate and the other
6 mandates that have been placed on us by Congress.

7
8 CHAIRMAN THOMAS: One second, does everybody in here
9 understand the results of the Katie John case? Is there
10 anybody here that doesn't understand the implications of the
11 Katie John case and the decision that was made? Okay, we're
12 all set. Thanks, Bill.

13
14 MR. KNAUER: Thank you. We are currently working to
15 prepare an environmental assessment in order to comply with the
16 National Environmental Policy Act. We are using the
17 environmental impact statement that was prepared back in 1990
18 and '91 as the basis and are basing much of the information
19 that is contained therein to form the basis for the
20 environmental assessment. The environmental assessment itself
21 focuses primarily on the changes that would be associated with
22 the addition of certain navigable waters and therefore, the
23 anadromous fish that are contained there in. Anadromous fish
24 are those that spend part of their life in salt water and part
25 in fresh water, in particular, salmon and steelhead.

26
27 The environmental assessment will identify some
28 alternatives and evaluates the effects of those alternatives.
29 It will determine whether the effects are environmentally
30 significant and also evaluate the need for an environmental
31 impact statement.

32
33 A second part of the effort is the development of a
34 preliminary draft proposed rule and that will take, as a
35 starting point, the State's subsistence regulations for
36 fisheries. Our progress in the overall effort is somewhat
37 limited, however, because Congress in their passage of the
38 budget bill for the agencies has determined that we cannot
39 publish an interim or final rule nor implement expanded
40 jurisdiction through this fiscal year. That would be through
41 September 30th of this year. At this point in time, we do not
42 know whether this moratorium language will be continued into
43 the next fiscal year. So as you can see, the courts are
44 ordering us to implement and Congress is telling us not to.
45 We however, have been allowed to continue the planning and
46 therefore, the development of the environmental assessment and
47 a preliminary draft proposed rule.

48
49 In the environmental assessment, we've examined three

50 different alternatives. The first alternative, no action, is

0041

1 the current situation as it presently exists. Of course this
2 would be contrary to the court directive, however, it does
3 provide a basis against which to examine the impacts of the
4 other two alternatives.

5
6 The second alternative that we examined will be what
7 we're calling limited jurisdiction. In this particular case we
8 would be limiting the waters which we will be expanding the
9 program to those within what we call conservation system units,
10 CSUs. That would be areas of national parks and preserves,
11 national wildlife refuges and national forests. That would be
12 in areas where the waters are actually crossing areas of
13 Federal land. And if you get a chance to look at the map back
14 here on the wall, that would be the colored areas. It would
15 not include waters crossing private lands within the boundaries
16 of CSUs. Those white areas are frequently areas of Native
17 ownership, either village or corporation ownership or State
18 ownership or other private lands.

19
20 Alternative three, which we've identified as a
21 preferred alternative, would expand jurisdiction to all waters
22 within the boundaries of CSUs, even those crossing private
23 ownership. And is on that map shown by all the rivers and
24 streams identified in red. In Southeast Alaska, essentially
25 there would be almost no marine waters that would be included
26 in this program. There are some marine waters in other areas
27 of the State that were selected by the Federal government
28 reserved for particular purposes prior to Statehood and they
29 are included, but it appears that there are few, if any, of
30 those areas in the Southeast region.

31
32 The environmental assessment itself will examine things
33 by assessment area. You'll notice that Southeast is a separate
34 assessment area than others. The preliminary draft proposed
35 rule that you have in your booklet is geared to just show the
36 regulations that effect Southeast. This was the regulations
37 that have been sent to reach Regional Council for them to
38 examine, have been compiled that way so that each Regional
39 Council will not have to deal with those things that they are
40 not familiar with and regulations which probably are
41 meaningless to them. For example, this Regional Council would
42 probably have no interest in regulations effecting the North
43 Slope and likewise, they would probably have no interest in
44 regulations specific to Southeast.

45
46 I'm sorry, that I don't have an example particularly to
47 -- that pertains to Southeast. But just as an example, in the
48 Yukon-Kuskokwim drainage, that region encompasses approximately
49 45 percent of the State and so using it for an example, just

50 because of its complexity, it contains approximately 104,000

0042

1 miles of rivers, streams and lakes. It is the largest river in
2 Alaska. It contains parts of seven different wildlife refuges,
3 it crosses at least one national preserve and portions of
4 several other national parks. It provides fish to two different
5 countries, residents of two different countries. The
6 management is governed in portion by an international treaty.
7 There are fishermen, both commercial, sport and subsistence
8 that are working together through a cooperative management
9 effort to manage the resources in a meaningful way. And all
10 five species of salmon occur within that drainage. So you can
11 see that the issue itself is very complex.

12
13 Under the various alternatives; under alternative one,
14 all of the waters passing the approximately 75 villages would
15 not come under the expanded -- any expanded Federal
16 jurisdiction, they would still be under State jurisdiction.
17 Under alternative two, where waters that are bordered by
18 private lands, even within the boundaries of refuges or parks
19 would not come under Federal jurisdiction, there would be --
20 there would likewise be no Federal jurisdiction by those
21 villages. In other words, they own the land adjacent to them
22 and many of their fishing sites are on those private lands.
23 However, under alternative three, the preferred alternative,
24 where all waters within the bound -- exterior boundaries of
25 parks and refuges and so on would come under expanded
26 jurisdiction, approximately 64 percent of those waters adjacent
27 to the villages would be under Federal jurisdiction. So
28 approximately two-thirds of the villages would have water
29 adjacent to them under the Federal program under the preferred
30 alternative.

31
32 MS. WILSON: Bill, can I ask you a question?

33
34 MR. KNAUER: Certainly.

35
36 MS. WILSON: Klukwan, they're Federal reserve, on
37 alternative three, would that -- would Klukwan River fall under
38 that, I mean Chilkat?

39
40 MR. KNAUER: I'm not familiar with that individual
41 situation, that's something that we'll have to check with
42 Forest Service and some of the other land managers down here to
43 actually determine what the situation is there.

44
45 MS. WILSON: Okay.

46
47 MR. KNAUER: Throughout this effort there has been a
48 significant attempt to obtain public input. You're aware that
49 back in April there was a document published in the Federal

50 Register called an advanced notice of proposed rulemaking in

0043

1 which the Secretary's identified what their thoughts were
2 regarding jurisdiction and the Federal Reserved waters. There
3 were 11 hearings held around the State. Down here in
4 Southeast, there were hearings held in Juneau, Sitka and
5 Ketchikan and there were special efforts to also provide
6 briefings to the Council Chairs. We received a number of
7 comments on that. There were also presentations made to each
8 Regional Council at their fall meetings. And then this winter,
9 there was a mailout to I believe approximately 2,000 entities
10 around the State asking questions regarding Council size and
11 structure if the Federal government did takeover, regarding
12 Council boundaries and a question on customary trade and then
13 asking also if there were particular critical areas of the
14 specific regulations that members were aware of. Very much
15 similar to the presentation that was made to the Regional
16 Councils.

17
18 From those mailouts we received approximately 70
19 comments back. And of those comments, most individuals
20 responded similarly to the Regional Councils, that they felt
21 that the current Council structure would be appropriate to
22 handle the program unless it was proven otherwise. That the
23 boundaries were probably pretty much adequate for the program.
24 However, a number of entities did express a very strong feeling
25 that there would need to be close cooperation among Councils,
26 particularly, for example, across the Yukon-Kuskokwim drainages
27 where those rivers transected two or three different Regional
28 Council boundaries. And that most of the comments were --
29 expressed very strong feeling regarding the issue of customary
30 trade. And of the 70 comments we received, they were pretty
31 much evenly divided. About a third indicated that they
32 believed that customary trade should either be prohibited or
33 that the sale of subsistence caught resources should be
34 prohibited. A third felt that there should be a limitation to
35 barter only and that probably no cash sale or at least very
36 limited. And a third indicated that they believe that there
37 should not be any regulation whatsoever on customary trade.

38
39 CHAIRMAN THOMAS: That's got my vote.

40
41 MR. KNAUER: From that you can see that one of the
42 remaining major issues does relate to customary trade. That is
43 an area that will be closely analyzed in the environmental
44 assessment and the importance of this issue cannot be
45 overstated. Certainly a goal of the program, if we do take it
46 over would be to protect, both current and traditional
47 practices. But also there has been concern that the Federal
48 agencies must protect the resources themselves upon which the
49 subsistence user and the other users depend. Of particular

50 concern are the salmon stocks which could be jeopardized in the

0044

1 event of an increased market demand and resulting increased
2 pressure on fisheries if there is a significant amount of sale
3 either for the fish or the roe derived therein.

4
5 The other part of the effort that we are currently
6 working on is the development of a preliminary proposed rule.
7 And the Regional Councils around the State asked that prior to
8 publication of a proposed rule in the Federal Register that
9 they be given the opportunity to examine some of the language
10 that would be contained therein. This preliminary draft
11 document has been provided to each of the Regional Councils for
12 their review, it is in your book. And I'd like to point out a
13 few major features of the document. It is designed to provide
14 a priority for the subsistence uses of fish on the public land
15 with the least possible disruption to the existing fishery
16 management system over the first few years.

17
18 CHAIRMAN THOMAS: Would you read that again?

19
20 MR. KNAUER: It is designed to provide an opportunity
21 for the subsistence user with the least possible disruption to
22 the current fisheries management systems right off the bat.

23
24 CHAIRMAN THOMAS: Thank you.

25
26 MR. KNAUER: In other words, we don't want to get in
27 and stir the pot too much to start with until we know what
28 we're doing in other words. Like I said, the preliminary draft
29 proposed rule is being provided to the Regional Councils for
30 their review, but this is in light of their special knowledge
31 and experience and their special advisory relationship that's
32 outlined in ANILCA. They have a special relationship to the
33 Secretary's and the Federal Subsistence Board.

34
35 The rule is composed of four parts. I think most of
36 you are aware of these parts, but for the benefit of some of
37 the agency personnel and public, I'll mention them. Subparts A
38 and B are the general provisions and the program structure.
39 It's in those parts that the general jurisdiction is identified
40 and that some of the Secretary's authorities are identified.
41 Subpart C contains identifications of a customary and
42 traditional use determination. And Subpart D are the annual
43 regulations that contain information on the seasons, harvest
44 limits and methods and means.

45
46 In the document that you find in your Council book in
47 Subpart A we have used shading to identify the wording that we
48 would propose to change. And other than one thing that I would
49 like to point out to you now, it essentially is similar to the

50 wording that appeared in the advanced notice of proposed

0045

1 rulemaking. The wording that is different from that contained
2 in the advanced notice is contained on Page 7 and in that
3 particular case, the Secretary's are retaining for themselves,
4 the authority to restrict or eliminate hunting, fishing or
5 trapping activities occurring off of public lands. This is the
6 exact opposite of what was in the advanced notice. It was an
7 area of extreme controversy and contention from all parties.
8 And in light of that, in the preliminary draft rule, that is
9 being retained -- would be retained by the Secretary's.

10
11 On the following page, Page 8, Section 17, rather than
12 that authority being delegated to the Federal Subsistence
13 Board, now what the Secretary's are asking the Federal
14 Subsistence Board to do is to evaluate whether hunting, fishing
15 and trapping activities occurring off of Federal lands are
16 effecting the subsistence activities and to provide the Board's
17 recommendation to the Secretary for their decision.

18
19 Also something that did not appear in the advanced
20 notice, but would be very necessary is Item 5 on that Page 8
21 where the Board would delegate to agency field officials the
22 authority to open or close specific fish or wildlife harvest
23 seasons previously established by the Board. In the case of
24 fisheries, that's very necessary for protecting the resource in
25 the case of overharvest that could occur in the event that the
26 control was not at a local level. Also it's necessary where
27 resources move in and out of an area very rapidly and if there
28 is not the quick response available at the local level, the
29 opportunity to harvest that resource might be missed by the
30 local people.

31
32 In Subpart C, the customary and traditional use
33 determinations which starts on Page 15, these are the tables,
34 we have again used the shaded text to identify proposed
35 additions. Those proposed additions are based on suggestions
36 that this Regional Council made at their fall meeting.

37
38 Now, in Subpart D, which starts on Page 18, there is no
39 shaded text. It was technically impossible to do this because
40 this document, Subpart D, is based on the existing State
41 regulation -- subsistence regulations, however, it has been
42 extensively reorganized to make it clearer and easier to
43 understand. To have used shaded text would have essentially
44 meant that almost the entire document would have been shaded
45 because the shading is a computer generated artifact. The
46 modifications other than the reorganization are changes that
47 the Board has made, for example, making rod-and-reel a legal
48 method of take. We are aware that the subsistence user has
49 used a pole and line. As some folks have said in the past,

50 essentially a Huck Finn type arrangement, with sometimes modern

0046

1 improvements such as a reel to contain the line. The Board has
2 also changed the State regulations in a few other areas and
3 those are contained therein. There have been the elimination
4 of references to State non-subsistence areas because that
5 concept is inappropriate under the Federal program. And there
6 have been the replacement of the term commissioner with the
7 term Board. And we have removed any Board of Fisheries
8 management guidance that has been directed at the Department of
9 Fish and Game.

10
11 One feature that I would like to point out is on Page
12 21, Item 11. This is not the exact same wording as comes from
13 the State regulation, it -- in this preliminary draft proposed
14 rule, the wording is no person may buy or sell fish, their
15 parts or their eggs, which have been taken for subsistence uses
16 except as provided for by the Federal Subsistence Board. This
17 wording differs from the State regulation in order to provide
18 the Board the flexibility to allow regional differences and to
19 provide regulations that are based on both recommendation of
20 each Regional Councils as well as differences that might be
21 necessary for various species or other areas or other fisheries
22 that occur. The State regulation is much more restrictive than
23 that.

24
25 There are a few places within this Subpart D area where
26 you will notice strikeout text. We're aware that the State
27 regulations were intended to cover fisher -- subsistence
28 fisheries throughout the State of Alaska. You have already
29 heard me mention that the Federal program would only cover
30 those areas in which the Federal Government has a reserved
31 water right. Those of us in the subsistence management program
32 are not intimately familiar with the situation throughout the
33 State. But we are aware that there are some areas that are
34 addressed in regulation that would not be covered under the
35 Federal program. The strikeout text attempts to remove
36 language that applies to those areas. In other words, areas
37 that are not under the Federal program. We hope that folks
38 throughout the State will look closely at that strikeout text
39 and let us know whether or not it is correct. In other words,
40 that those are not areas that would be under the Federal
41 program and to help us to identify other parts of the text that
42 also should be struck out. That in other words, would not
43 apply.

44
45 The Board realizes that there are some things that are
46 within the current State subsistence season that you believe
47 may need fixing immediately. But because some of the
48 limitations mentioned earlier that we are trying to provide an
49 opportunity for the user without totally disrupting the current

0047

1 system, that initially the program will have to track rather
2 closely with the existing program. However, if there are
3 specific existing regulations that are of critical concern to
4 you and you believe absolutely need to be revised or
5 eliminated, those are the things that we would like to know
6 now. And this question is being addressed to each of the
7 Regional Councils and their comments and suggestions as well as
8 yours can be submitted to us through March 3rd. After we
9 receive that we will be developing a proposed rule that may
10 eventually be published in the Federal Register. I say, may,
11 because that will depend upon the Congressional actions that
12 we're dependent upon.

13
14 After a proposed rule is published, if it is, there
15 will be full public review of that document. There will be
16 hearings around the State. Comments solicited from the public.
17 And formal recommendations on that proposed rule will be
18 requested from each Regional Council.

19
20 Thank you, Mr. Chairman. If you have any questions, I
21 would certainly be glad to answer them.

22
23 CHAIRMAN THOMAS: Yeah, I have a couple. Thank you for
24 an excellent presentation.

25
26 You gave us a good description of the areas effected in
27 the Interior Alaska with regards to jurisdiction, do you have
28 any similar estimates of effected areas like that for
29 Southeast?

30
31 MR. KNAUER: I do not, Mr. Chairman. Like I said
32 initially, it appears that almost all of the water areas in the
33 Southeast Alaska where there are reserved water rights would be
34 in fresh water. Above the area of mean high tide or above the
35 area of a line drawn across headlands at the mouths of rivers
36 and streams. So that's -- I think you can see from the map
37 that most of those areas are areas where, A, commercial
38 activities do not occur and B, many, if not most, of the
39 subsistence activities do not occur, but that's not always the
40 case.

41
42 CHAIRMAN THOMAS: Okay. Another question, with regard
43 to selling subsistence. Now, in my growing up, that's unheard
44 of. When you sell subsistence that puts a commercial dilution
45 on there and I'm not sure -- have other parts of the -- has
46 that been an accepted practice of subsistence by other regions
47 of the State?

48
49 MR. KNAUER: It has really varied as well as opinions

50 have varied. In much of the State, folks have said, we really

0048

1 haven't had a commercial activity, but if I get half a dozen
2 more fish or so than I need or -- you know, a few dozen pounds
3 more fish and my neighbor doesn't get any, I'll either give
4 them to him or sell them to him for a small amount.

5

6 CHAIRMAN THOMAS: Well, then that needs to fall under
7 the category of barter.

8

9 MR. KNAUER: Barter, if he might give me something back
10 like.....

11

12 CHAIRMAN THOMAS: Cash.

13

14 MR. KNAUER:gas or.....

15

16 CHAIRMAN THOMAS: Cash.

17

18 MR. KNAUER: Some folks have said if he gives me cash,
19 then it's a sale. But in most areas, the State, the folks have
20 said that the effort has been very limited like you're
21 addressing. Some people have said though that even though
22 that's been the case, they don't believe there should be any
23 limitation on it, there should be any regulation whatsoever.
24 So we're getting different comments provided to us.

25

26 CHAIRMAN THOMAS: See that's where complications come
27 in. That's how complications are born, you know. That's the
28 difference between a healthy birth and a stillborn.

29

30 Another question, with regards to Item 11 on Page 21, I
31 guess I don't understand the need for that flexibility between
32 the regions. If one is applicable in one region, why wouldn't
33 it be applicable in another region when it comes to selling
34 parts or eggs, you know, and why should the Board -- that's not
35 management, that's control.

36

37 MR. KNAUER: The Board will depend very heavily on the
38 recommendation of each Regional Council. And like I said, some
39 of the Regional Councils have felt, very strongly, that there
40 should be the opportunity to have regional differences, rather
41 than a Statewide regulation and this is put in here to allow
42 the Board to take recommendations from different regions that
43 may be a little different.

44

45 CHAIRMAN THOMAS: Well, advise them that Region 1
46 doesn't think that other regions should disagree with our
47 positions, our perceptions or interpretations. Anyway, thank
48 you very much. Any other questions?

49

MS McCONNELL: I had some comments.

0049

1 CHAIRMAN THOMAS: Yeah, Mim.

2

3 MS McCONNELL: There were two issues that were
4 discussed at our workshop yesterday and I wanted to bring those
5 up again today. One of them definitely has to do with the
6 regulations here. And I wrote up a possible motion, but I
7 don't really want to make the motion yet because it sounded
8 like some Staff people wanted to look at some language that
9 could maybe be used and I haven't had a chance to do that, but
10 I wanted to bring up the issue.

11

12 On Page 22, this is the Subpart D, subsistence taking
13 of fish. On Page 22, Section F, down towards the bottom of the
14 page, relation to commercial fishing activities, I would be
15 adding a sentence or maybe changing number one, I'm not sure
16 which, and the issue I'm concerned about is the one about the
17 incidental by catch of chinook salmon and being able to retain
18 those for subsistence purposes. It's something that's already
19 being done and sometimes you get caught and sometimes you
20 don't. And I would like to make it legal to keep those.

21

22 CHAIRMAN THOMAS: You bet.

23

24 MS McCONNELL: So I would like the support of the
25 Council for pursuing that and I could come back with a motion
26 later on or tomorrow or something.

27

28 CHAIRMAN THOMAS: You and the Chairman will get
29 together because the Chairman feels very strong about that.

30

31 MS McCONNELL: Yeah, I think a lot of people do, yeah.
32 Okay, so that was the one issue. Then the other one is
33 concerning hatcheries. And I wrote up kind of a rough draft of
34 a letter that would be written and then I -- maybe I could just
35 read it to you so you can get a gist of what is on my mind
36 about this. Before I do that though, I'm not sure where it
37 would go. I almost feel as though we're a little bit late
38 because the Board of Fish is having their Southeast meeting
39 like next week or something in Ketchikan and we probably should
40 have had a proposal submitted for them. So this is perhaps
41 something that's going to have to wait until the next cycle or
42 maybe it can be considered an emergency or I -- I'm not sure
43 where this would go. But here's the.....

44

45 CHAIRMAN THOMAS: Let me say something to you.

46

47 MS McCONNELL: Okay.

48

49 CHAIRMAN THOMAS: I addressed this to the Commissioner

50 of Fish and Game for the State in writing and he sent me back a

0050

1 letter saying that he encouraged my participation at this
2 meeting with that concern.

3

4 MS McCONNELL: Okay. Let's -- can I read this and make
5 sure it's the same concern. I'm assuming it is.

6

7 CHAIRMAN THOMAS: Um-hum. (Affirmative)

8

9 MS McCONNELL: Okay, the Council's concerned about the
10 unregulated production of salmon in Alaska hatcheries. We
11 recognize that the hatcheries were greatly expanded almost 15
12 years ago in order to mitigate the effects of the Pacific
13 Salmon Treaty. No one expected there to be such an incredible
14 success as there has been in the past few years. This has
15 benefitted commercial fishermen throughout Southeast Alaska,
16 but it has created its own problems just as any interference
17 with nature's natural course does. One of the areas of concern
18 for the Council is the effect on the natural wildstocks because
19 of the increased pressure on feed in Southeast waters such as
20 herring and needle-fish. The Council requests that the
21 Department of Fish and Game or the Board of Fish begin
22 discussion of this issue at their upcoming meeting in Ketchikan
23 later this month. And it would be copied to NSRAA, SSRAA, the
24 aquaculture associations. So that's what's on my mind. Is
25 that what you had in mind?

26

27 CHAIRMAN THOMAS: Um-hum. (Affirmative)

28

29 MS McCONNELL: Okay. So maybe we could do up a letter
30 like this that you could have with you for that meeting. So
31 moved.

32

33 CHAIRMAN THOMAS: Okay.

34

35 MS. WILSON: You want to move on it right now?

36

37 MS McCONNELL: Yeah, I think on this issue we could.
38 So I'm making a motion that we send this letter or a version of
39 it to the Board of Fish and for Bill to use as an opening there
40 for discussing this issue at the Board of Fish meeting in
41 Ketchikan this month.

42

43 MS. WILSON: I second that.

44

45 CHAIRMAN THOMAS: It's been moved and seconded.
46 Further discussion?

47

48 MS. RUDOLPH: Question.

49

CHAIRMAN THOMAS: The question's been called. Before

0051

1 -- let me share something with you as part of the discussion.
2 I pursued this on several occasions with the commissioner. And
3 I have to say that I got a real good runaround. When I talked
4 to him he said that it was -- it's legislatively responsible,
5 it's got to be funneled through the Board of Fish, it's got to
6 have the blessings of the Alaska/Canada salmon treaty people.
7 It's got all those groups to be signed off on. But it's okay
8 to continue to throw king salmon overboard until all this
9 happens. Now, who's going to claim good management for that.

10
11 MS McCONNELL: Um-hum. (Affirmative)

12
13 CHAIRMAN THOMAS: I don't see anybody putting their
14 hands up, hey, that's my idea, you know? And that's the thing.
15 I've known particular seiners fishing in District 4, it's not
16 uncommon for a seiner at any given time to harvest 200 king
17 salmon in a set, not in a day, in a set. And to find one under
18 40 pounds is very rare, they're all big fish. You take 80
19 boats with 100 of those fish throwing them overboard to keep
20 from getting cited and penalized, I mean that's some -- that's
21 your best -- that's your best resource from the ocean that's
22 being thrown overboard, treated like sewer. And this falls
23 under the guise of management.

24
25 MS McCONNELL: Bill, I believe.....

26
27 CHAIRMAN THOMAS: I'm not off my soapbox yet.

28
29 MS McCONNELL: Well, all right.

30
31 CHAIRMAN THOMAS: What.

32
33 MS McCONNELL: Well, I was just thinking, it seems like
34 seiners are allowed a percentage of those king salmon, they're
35 allowed to sell a certain percentage of them.

36
37 CHAIRMAN THOMAS: Oh, yeah, but when they've.....

38
39 MS McCONNELL: Once they've reached that limit, right?

40
41 CHAIRMAN THOMAS: There's a non-retention period.

42
43 MS McCONNELL: Um.

44
45 CHAIRMAN THOMAS: When that non-retention is there,
46 overboard they go.

47
48 MS McCONNELL: Yeah, yeah.

49

CHAIRMAN THOMAS: But anyway, that's the premise. The

0052

1 question was called for. Further discussion? All those in
2 favor say aye.

3
4 IN UNISON: Aye.

5
6 CHAIRMAN THOMAS: Opposed same sign.

7
8 (No opposing votes)

9
10 CHAIRMAN THOMAS: Okay, we're going to declare a five
11 minute official time out.

12
13 (Off record)

14 (On record)

15
16 CHAIRMAN THOMAS: Okay, I wasn't here for the meeting
17 you had yesterday, but I understand that during the course of
18 your meeting on the areas that you folks had discussed there
19 was some notes made and comments made that didn't get on the
20 record. If you still have those highlights and notes and would
21 like to revisit those to get them on record, now would be a
22 time to do that.

23
24 MS McCONNELL: I know Terry -- she's not sitting in the
25 chair over there at the moment, she's in the back, she was
26 taking notes. I don't know where Fred went to.

27
28 CHAIRMAN THOMAS: Did you get everything verbatim
29 Terry?

30
31 MS. EDWARDS: I got most things or the concept for the
32 most part. I might not have them exactly word for word quotes.

33
34 CHAIRMAN THOMAS: But close enough?

35
36 MS McCONNELL: Probably. I saw her typing away a lot.

37
38 CHAIRMAN THOMAS: Okay, thank you. Yeah, I wasn't here
39 and if I'd have known nobody was going to showup I wouldn't
40 have shown up this time.

41
42 MS McCONNELL: What do you mean no one?

43
44 MS. WILSON: Mr. Chairman?

45
46 CHAIRMAN THOMAS: Marilyn.

47
48 MS. WILSON: Is it possible that we could have Terry's
49 notes typed up or put on paper so we could look it over because

50 I don't remember like what I said and we talked about a lot of

0053

1 different things.

2

3 CHAIRMAN THOMAS: I want to see them before they get to
4 Marilyn if she doesn't remember, yeah. Can you print those out
5 and have them available?

6

7 MS. EDWARDS: I believe I can print them from here. I
8 just have to check and see what the software program is that's
9 in the building.

10

11 CHAIRMAN THOMAS: Okay. That will happen.

12

13 MS. WILSON: Thank you.

14

15 CHAIRMAN THOMAS: You know what you did that time with
16 that one move took away my opportunity to fill a gap between
17 now and noon. So let me -- somebody asked me how I feel and I
18 could use up that time?

19

20 MR. CLARK: There aren't any takers at this time.

21

22 CHAIRMAN THOMAS: I see that. Well, we'll take an
23 early lunch then and see what the lunch hour brings us. So
24 we'll reconvene at 1:00 o'clock.

25

26 (Off record)

27 (On record)

28

29 CHAIRMAN THOMAS: The Coordinator was responding to Mr.
30 Martin's comments and request this morning, if you would review
31 it and offer any input or -- don't offer any changes because I
32 signed one already. I don't want it to be effected or
33 affected. Were the copies confined to just the Council
34 members? Did you guys get copies?

35

36 Okay, the Southeast Alaska Federal Regional Advisory
37 Council met in Sitka, Alaska on February 10th and 11th, 1997.
38 This meeting provided a forum for many pressing issues
39 concerning subsistence resources and subsistence lifestyles.
40 One such issue was subsistence halibut fisheries. Mr. Harold
41 Martin brought the issue before the Council and asked that the
42 Council endorse the recommendation to the NPFMC submitted by
43 the Halibut Subsistence Committee. The Council unanimously
44 passed a motion to honor Mr. Martin's request.

45

46 We feel strongly that it is only through cooperative,
47 collaborative efforts that the understanding of halibut biology
48 and the impact on subsistence users can appropriately be
49 enhanced. And it is only through that enhanced understanding

50 that management of this resource can be done well. We support

0054

1 co-management efforts between the NPFMC and other organizations
2 who are intimately involved, especially the IPHC regarding
3 amending the treaty between Alaska and Canada. This is a
4 situation from which all parties can benefit. The subsistence
5 users of halibut and the halibut themselves depend on your
6 appropriate action. Because we feel strongly about this need,
7 we request the following: 1) that the North Pacific Fisheries
8 Management Council encourage the State Department to petition
9 the United States and Canada to amend the Halibut Convention to
10 recognize subsistence rights for aboriginal users. 2) That the
11 National Marine Fisheries Service ease enforcement regulations
12 in regards to halibut subsistence harvests while the NPFMC is
13 developing subsistence regulations. That eligibility for
14 halibut subsistence be defined as members of Alaska Native
15 Federally recognized Tribes with customary and traditional use
16 of halibut. That hook-and-line gear including hand-held gear
17 with a maximum of 60 hooks and ground line up to 1,800 feet
18 with a separate buoy line along with rod-and-reel gear be
19 allowed as legal halibut subsistence gear. That no minimum,
20 size be imposed for subsistence harvests of halibut. That the
21 commercial halibut minimum size regulations be reviewed to
22 read, except in Area 4(E) where halibut under 32 inches caught
23 with authorized commercial halibut gear may be retained for
24 subsistence use. That halibut subsistence users be allowed
25 existing levels of by catch, including unlimited black cod by
26 catch. That the commercial sale of subsistence caught halibut
27 not be allowed, though low monetary, non-commercial sale of
28 halibut to legalize current practice of compensating
29 subsistence fishermen for fuel or other fishing expenses in
30 exchange for fish. That the halibut subsistence committee
31 continue to meet to provide recommendations to the NPFMC on the
32 development of halibut subsistence regulations. If you have
33 any questions or concerns, please contact me at the address
34 above or call our Council Coordinator Fred Clark, Marcia
35 Clark's cousin.

36
37 MS McCONNELL: I have a question.

38
39 CHAIRMAN THOMAS: Okay.

40
41 MS McCONNELL: Bill, you had something when we were
42 discussing this before about keeping it geographical rather
43 than racial. And I'm just wondering with the first request
44 it's recognizing.....

45
46 CHAIRMAN THOMAS: Aboriginal users.

47
48 MS McCONNELL:aboriginal users. Is that setting
49 the tone for all the other requests or is that just

50 specifically that one item? So for example, the next one it

0055

1 talks about in regards to halibut subsistence harvest, is that
2 subsistence harvest for all subsistence users or just
3 aboriginal?

4
5 MR. CLARK: Perhaps Harold could speak to that.

6
7 MS McCONNELL: Is he here? And also the next one deals
8 with that, too.

9
10 CHAIRMAN THOMAS: See one thing we mentioned this
11 morning, realizing that this doesn't have anything to do with
12 ANILCA. Our charge here with ANILCA and ANILCA being the
13 driving force for our existence, that our representation be of
14 a geographical nature more so than a race definition. Was this
15 how you intended for it to read, just for the Native
16 subsistence users?

17
18 MR. MARTIN: Mr. Chairman, we had several strategic
19 meetings leading up to the meeting with the North Pacific
20 Fisheries Management Council to make recommendations. At that
21 time we were very careful to not leave anybody out. We thought
22 that rural only wouldn't apply, so we included rural plus to
23 include all the small communities, like Point Baker, Port
24 Protection, Port Alexander, Meyers Chuck. However, during the
25 meeting where the recommendations were being taken we heard
26 from several agency people saying that these communities were
27 already covered by the State subsistence -- I mean State
28 regulations where they're allowed one line, two hooks. And the
29 guy from the International Pacific Halibut Commission said
30 we're talking about Native subsistence, let's stay with Native
31 subsistence. So one of the recommendations on eligibility was
32 that enrolled members to tribal governments be eligible.

33
34 MR. CLARK: Mr. Chairman.

35
36 CHAIRMAN THOMAS: We should put a qualifier in there
37 stating that it's the recommendation from those various
38 agencies. Yeah, Fred.

39
40 MR. CLARK: I think that Harold pointed out a very
41 important thing, that it's oriented towards tribal governments.
42 And tribal governments are not a racial issue, it's a political
43 issue.

44
45 MS McCONNELL: Um-hum. (Affirmative)

46
47 MR. CLARK: So we need to make that differentiation
48 very clear that the wording in here deals with tribal
49 governments as recognized tribal governments as opposed to

50 Native people on the basis of their.....

0056

1 MS McCONNELL: Their race.

2

3 MR. CLARK:bloodlines or their race. And as it
4 reads now it seems pretty clear that that's the intent.

5

6 CHAIRMAN THOMAS: Everybody happy? Okay, there's a
7 couple typo's though I think that need -- we can't let those
8 go, the Chairman is just not going to be that flexible. Did
9 you find the first one?

10

11 MR. CLARK: Something about crossing Ts.

12

13 CHAIRMAN THOMAS: And enforcement, please add a T to
14 it, second dot. There, you got it? And then the third to the
15 last one where it says, allowed existing levels, but an S in
16 there someplace. Okay, so.....

17

18 MS McCONNELL: Can I make a suggestion?

19

20 CHAIRMAN THOMAS: No. Sure.

21

22 MS McCONNELL: Thank you. In the second paragraph, how
23 about -- I was just looking for a place to get some wording in
24 there about the tribal governments to make that stronger in
25 there about where you're coming from with this. I don't know,
26 maybe it's not necessary, but if you were to put it in, you
27 could maybe put it in the sentence in the middle of the
28 paragraph, we support co-management efforts between tribal
29 governments, the NPFMC and other organizations who are
30 intimately involved, et cetera. Would that -- or is that not
31 necessary?

32

33 MR. MARTIN: No, Mr. Chairman, the letter makes
34 reference to the recommendations made by the committee.

35

36 MS McCONNELL: Which is made up of.....

37

38 MR. MARTIN: And those recommendations are already
39 covered.

40

41 MS McCONNELL: Okay.

42

43 MR. MARTIN: I might point out one more correction, Mr.
44 Chairman, I think under legal gear, you'll need a ground line
45 up to 1,800 feet.

46

47 CHAIRMAN THOMAS: That's on there.

48

49 MR. MARTIN: I just heard.....

0057

1 CHAIRMAN THOMAS: Okay, that hook-and-line gear,
2 including handheld gear with a maximum of 60 hooks and a ground
3 line up to 1,800 feet with a separate buoy line, along with
4 rod-and-reel gear be allowed as legal halibut subsistence gear.
5

6 MR. MARTIN: Okay, I didn't hear that part. Other than
7 that I think the letter is very satisfactory.
8

9 CHAIRMAN THOMAS: Okay, then with those typos having
10 been corrected I will void these two that I signed. But for
11 the most part -- you still got motion papers, Mim?
12

13 MS McCONNELL: For this one?
14

15 CHAIRMAN THOMAS: Um-hum. (Affirmative)
16

17 MS McCONNELL: No. That's right I did that one, didn't
18 I, it went over there somewhere.
19

20 CHAIRMAN THOMAS: So this is.....
21

22 MS McCONNELL: It's already been -- this is.....
23

24 CHAIRMAN THOMAS: It's already been acted on?
25

26 MS McCONNELL: Yeah, it's already been done.
27

28 CHAIRMAN THOMAS: Okay, good. Thank you, we're all
29 set.
30

31 MS McCONNELL: Do we want to deal with this now before
32 we get on to the agenda?
33

34 CHAIRMAN THOMAS: All right, do you want to read it?
35

36 MS McCONNELL: Sure. And did we want to go ahead and
37 have Fred use this for that letter? I had in the motion this
38 letter or a version of it?
39

40 CHAIRMAN THOMAS: Sure.
41

42 MS McCONNELL: So we could just give this to him and he
43 can type it up, okay.
44

45 I wrote down some language, as I mentioned earlier,
46 about subsistence taking of fish. And I ran it by Bill Knauer
47 and it's -- anyway, go ahead and make a motion and we can talk
48 about it, see if we want to make any changes to it. And the
49 motion would be to add the preliminary fisheries regulations to

50 those regulations the following sentence; it's in Subpart D,

0058

1 Section 26, subsistence taking of fish (F); it would be (F)(3)
2 maybe or I'm changing (F)(1), I'm not sure which. And it would
3 read, incidental by catch of chinook salmon may be retained for
4 subsistence purposes, but is limited to a possession of no more
5 than five chinook salmon at any one time. That's the motion.

6

7 CHAIRMAN THOMAS: Do I hear a second?

8

9 MR. FELLER: I'll second it Mr. Chairman.

10

11 CHAIRMAN THOMAS: Now, for some discussion?

12

13 MS McCONNELL: I just picked the number five out of the
14 hat just to get something on the table to talk about. It would
15 be helpful for me to know what the history is.

16

17 CHAIRMAN THOMAS: I would probably want to stay away
18 from a number.

19

20 MS McCONNELL: Um-hum. (Affirmative)

21

22 CHAIRMAN THOMAS: Because they'll say, well, if
23 everybody gets five chinook salmon, this is going to represent
24 selling fish, they'll treat it like that's a target.

25

26 MS McCONNELL: Um-hum. (Affirmative)

27

28 CHAIRMAN THOMAS: What we want to imply is that
29 whatever by catch they have aboard to make available for people
30 on the beach to use it for subsistence.

31

32 MS McCONNELL: Um-hum. (Affirmative)

33

34 CHAIRMAN THOMAS: Now, when I mentioned it to them
35 before, they said, well, maybe we could make a provision and
36 give it to institutions like the jails and pioneer homes, I
37 said, what's wrong with the people on the beach, you know?

38

39 MS McCONNELL: Yeah.

40

41 CHAIRMAN THOMAS: They're people that typically don't
42 buy fish anyway. So depriving them of incidental caught salmon
43 isn't going to impact their market any.

44

45 MS McCONNELL: Um-hum. (Affirmative)

46

47 CHAIRMAN THOMAS: So for that reason I would kind of be
48 reluctant to put a figure on there.

49

MS McCONNELL: I wonder if it would fly though without

0059

1 a figure on there because people would be afraid it would get
2 abused.

3
4 CHAIRMAN THOMAS: It's already being abused.

5
6 MS McCONNELL: Yeah.

7
8 CHAIRMAN THOMAS: They're throwing them overboard.
9 They wouldn't target -- it doesn't claim to target those fish
10 because if they're not going to make money on them.....

11
12 MS McCONNELL: Right.

13
14 CHAIRMAN THOMAS:there's no reason to target
15 those. Those are strictly incidental caught fish.

16
17 MS McCONNELL: Um-hum. (Affirmative)

18
19 CHAIRMAN THOMAS: Anybody else have any thoughts on
20 that?

21
22 MS. WILSON: Mr. Chairman?

23
24 CHAIRMAN THOMAS: Marilyn.

25
26 MS. WILSON: I move to amend that motion to strike the
27 word -- the number five, to take the amount out.

28
29 MS McCONNELL: So it would basically read then,
30 incidental by catch of chinook salmon may be retained for
31 subsistence purposes period?

32
33 CHAIRMAN THOMAS: Yeah. Okay, there was an amendment
34 offered, was there a second to the amendment?

35
36 MS. RUDOLPH: Second.

37
38 CHAIRMAN THOMAS: It's been moved to second to amend by
39 striking the number five. Any discussion?

40
41 MS. RUDOLPH: Question.

42
43 CHAIRMAN THOMAS: Question's been called. All those in
44 favor of the amendment signify by saying aye.

45
46 IN UNISON: Aye.

47
48 CHAIRMAN THOMAS: Those opposed same sign.

49

0060

1 CHAIRMAN THOMAS: Amendment carries. Any further
2 discussion on the main motion as amended?

3
4 MS. WILSON: Question.

5
6 CHAIRMAN THOMAS: Question's been called. All those in
7 favor of adopting the motion say aye.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN THOMAS: Opposed same sign.

12
13 (No opposing votes)

14
15 CHAIRMAN THOMAS: That motion carries. Fred, is there
16 any reason why we can't get into proposals?

17
18 MR. CLARK: None that I can see, Mr. Chairman. We're
19 in the process -- or actually Ken Thompson's in the process of
20 trying to setup a conference telephone for those members who
21 have not been able to make it in, but who are still at their
22 homes. There's still a few Council members hither and beyond
23 trying to make it in.

24
25 CHAIRMAN THOMAS: Do they know that they're being
26 hooked up?

27
28 MR. CLARK: Yes.

29
30 CHAIRMAN THOMAS: Have they been contacted to where
31 they can participate in being hooked up?

32
33 MR. CLARK: Yes.

34
35 CHAIRMAN THOMAS: Well, unless anybody has some
36 comments to offer, lets give Ken a chance to get that
37 teleconference network put together so that we can use the
38 input of people that weren't able to get out of their hometowns
39 because of weather. If there's any comments to offer, we can
40 hear them now. Mark, come forward please.

41
42 MR. JACOBS: Yeah, I heard you talking about the by
43 catch. Now, last year a friend of mine, Mr. Ben James, Sr.,
44 commercial trawler, he encountered some sharks and possibly
45 some sea lion that was tearing his salmon in half, king salmon.
46 And the front parts of it were still edible, fresh and good.
47 So he went ahead and filleted them, ready to ice, when the Fish
48 and Game -- the State Fish and Game cited him for illegally
49 filleting fish on board a commercial -- intended for commercial

50 use. I told him to fight the case. It was going to be made an

0061

1 issue that involved all subsistence users. It so happened that
2 he had a stroke and Search Hospital referred him to a
3 specialist in the Lower 48. His case was still pending. He
4 didn't want that hanging over his head, so he went to the clerk
5 of the court without contesting these things, he paid \$100 fine
6 on fish that was otherwise would have been wasted if he had
7 just tossed it overboard and that. So I think there's
8 something wrong when a subsistence user has to throwaway good,
9 edible parts. Regulation is concerned about utilizing all
10 edible parts. The red snapper, you know, sometimes they're
11 every hook and there's limitation on how much you can take.
12 Once you bring them to the surface, they don't decompress
13 immediately. And while they're on the surface, the seagulls
14 and gooney birds, that's the black-footed albatross will pull
15 the liver out of them and that fish goes to waste. So these
16 are some of the things that I feel is wasteful manner to live
17 up to by subsistence users and also commercial. There should
18 be some consideration, especially these red snappers, that
19 cannot return to its normal depth because of birds that will
20 pull out the liver and destroy that fish. But if it's left
21 undisturbed for some time, some of them do revive and return to
22 its own depth, but that's very rare. So I'm concerned about
23 this kind of a waste that is not blamed on the user, but it's
24 on the regulation.

25
26 CHAIRMAN THOMAS: Thank you, Mark. You've expressed
27 very well what we were trying to say and hopefully we can
28 express that in our position at the meeting in Ketchikan. I'll
29 present that position from the Council and during the
30 discussion portion, Yvette will have the opportunity to advise
31 them that members that attended the meeting and the public had
32 supported that position.

33
34 MR. JACOBS: Yeah, you mentioned earlier too, some of
35 those king salmon that has to be dumped overboard in order to
36 avoid being fined for.

37
38 CHAIRMAN THOMAS: Any luck, Ken?

39
40 MR. THOMPSON: Lonnie is on the line.

41
42 CHAIRMAN THOMAS: Okay.

43
44 MR. THOMPSON: We may pick Patty up here in a little
45 bit.

46
47 CHAIRMAN THOMAS: Hi Lonnie.

48
49 MR. ANDERSON: Good afternoon.

0062

1 CHAIRMAN THOMAS: Okay, Lonnie we just went through
2 some information, some public comments so far today. And we
3 just now -- you got your packet in front of you?

4
5 MR. ANDERSON: I sure have.
6

7 CHAIRMAN THOMAS: Okay, we're on Item 7. We're just
8 starting with our first proposal under Item 7. And I will
9 explain the process to the public. Each proposal will be
10 introduced -- are you going to introduce the proposals?

11
12 MR. CLARK: Sure.
13

14 CHAIRMAN THOMAS: Okay, we don't have that on here.
15 Okay, the Coordinator will introduce the proposals. The
16 biological and socioculture analysis will be by the proposal
17 team leader. Summary of written comments will be made noted by
18 the Coordinator. Open the floor for public comments on the
19 proposals, I will conduct those. Open floor to agency comments
20 on proposals, I will conduct those. After we've given
21 everybody in the audience to participate in the discussion of
22 that proposal, it will then become the action for the Council
23 to arrive at a recommendation then to carry to the Federal
24 Board. And like I mentioned earlier this morning, in order to
25 ensure that everybody has a chance to participate, we want to
26 take full advantage of the opportunity to participate, we will
27 suspend normal parliamentary procedures to accommodate that.
28 So with that, I will leave the first introduction to our
29 Coordinator.
30

31 MR. CLARK: Mr. Chairman, Proposal 1 has to do with
32 special provisions in Unit 1 dealing with the taking of black
33 bear. With that, I leave you with the biological and
34 sociocultural analysis.
35

36 CHAIRMAN THOMAS: Thank you. Okay, Robert.
37

38 MR. WILLIS: Thank you, Mr. Chair. Proposal 1 was
39 submitted by the U.S. Forest Service and it would close a
40 portion of the Anan Creek drainage in Unit 1(B) to brown bear
41 hunting and would modify the area that is currently closed to
42 black bear hunting. If you'll look at Pages 6 and 7 of your
43 booklets, you can see the area in question, it's located
44 generally north of Ketchikan on the mainland. Figure 2 shows a
45 good picture of the proposed -- or the current closure area and
46 the proposed closure area.
47

48 You'll see for the black bear part of this, currently
49 the entire drainage is closed and the part of this proposal

50 dealing with black bear would make that area considerably

0063

1 smaller and limited to the lower portion of the drainage around
2 the lagoon. The proposed regulation would also add a brown
3 bear closure to this area. The current State regulation has
4 been in place for quite some time. That's been a special
5 management area for bear hunting -- it's a bear viewing area.
6 It's becoming more and more popular. Currently the area is
7 visited by 2,000 to 3,000 people each year. The hunting use of
8 the area is only minimal. There's been only two brown bears
9 known to have been harvested since 1980 and only one black bear
10 in the beach area which is proposed to closure in the last 10
11 years or so.

12
13 There are some potential problems here. When you have
14 a lot of people going into an area and viewing bears, there's
15 the potential for bears becoming very accustomed to people,
16 then when they wander outside the area, they're not as spooky
17 about people and tend to be -- have a higher incidence of being
18 shot. There's also a danger of people hunting in that area, of
19 wounding a bear and then having it encounter people and having
20 a tragedy. This proposed closure, we don't think would have a
21 significant impact on the number of bears harvested. As I
22 said, there have only been two browns and one black harvested
23 in recent times.

24
25 The proposal would increase the opportunity for
26 subsistence hunting of black bear because it would decrease the
27 size of the area which is currently closed. And add the same
28 area -- the closure of brown bear would occur in the same area.
29 So we don't see that it would curtail any existing subsistence
30 use of those species and it would provide some protection, both
31 for the bears and the people. The State has recently passed a
32 regulation identical to this one and so adopting this proposal
33 would make both Federal and State regulations consistent. And
34 we believe the Council should support this proposal.

35
36 That concludes the Staff analysis.

37
38 CHAIRMAN THOMAS: Thank you. Any questions for Robert?
39 I guess I don't have a question, I do have an observation and
40 it's not of any great magnitude. You know, typically our
41 charge is to deal with these things that would somehow have a
42 profound or positive impact on subsistence and this one doesn't
43 seem to do that. I am not speaking in objection, I'm just
44 making an observation.

45
46 MR. WILLIS: Understood.

47
48 CHAIRMAN THOMAS: Of course, so.....
49

MR. WILLIS: If I could comment to that, Mr. Chair, I

0064

1 see a couple of advantages to the subsistence user here. One,
2 as I said earlier, it reduces the size of a current closure
3 area in Federal regulations to black bear hunting. The other
4 thing it would do is to make Federal and State regulations the
5 same, which most subsistence users tell us is a great
6 advantage. They don't like having two different regulations
7 saying two different things for the same area. So I see those
8 two things as being advantages to the subsistence user.

9
10 CHAIRMAN THOMAS: Yeah, but the element of confusion
11 keeps them honest. Any questions or comments from the Board?
12 Anybody from the public have any comments, questions in the
13 round of analysis?

14
15 MR. CLARK: Mr. Chairman, did you want the public
16 comments?

17
18 CHAIRMAN THOMAS: Excuse me?

19
20 MR. CLARK: Did you want the written comments?

21
22 CHAIRMAN THOMAS: Yes.

23
24 MR. CLARK: Alaska Department of Fish and Game is
25 supporting the proposal stating that, if adopted, the Federal
26 regulation will conform to the State regulation adopted in
27 1996, I think for the same reasons that Robert pointed out.

28
29 CHAIRMAN THOMAS: I don't have any requests for anybody
30 to comment on this, so I will bring it to the Council for
31 deliberation and recommendation. What's the wish of the
32 Council with regards to Proposal 1?

33
34 MS McCONNELL: I move to adopt Proposal 1.

35
36 MR. CLARK: Excuse me, Mr. Chairman, could we verify
37 that Lonnie can hear what's going on?

38
39 MS McCONNELL: Lonnie, you hearing everything okay?

40
41 MR. ANDERSON: Well, when you're close to the
42 microphone I can. Some of them are not too close their
43 microphones.

44
45 CHAIRMAN THOMAS: Right now we're -- we didn't get any
46 public comments or questions to the biologist after he shared
47 his analysis with us with regards to Proposal 1. There hasn't
48 been any heartburn from anybody. And a motion has been made to
49 adopt this proposal. Do you second that.....

0065

1 MR. ANDERSON: Which proposal?

2
3 CHAIRMAN THOMAS: Proposal 1.

4
5 MR. ANDERSON: Proposal 1, okay.

6
7 CHAIRMAN THOMAS: Do you second that?

8
9 MR. ANDERSON: I second it.

10
11 CHAIRMAN THOMAS: Okay. It's been moved and seconded
12 to adopt Proposal 1 and recommend to the Board for approval.
13 Any further discussion?

14
15 MS McCONNELL: Question.

16
17 CHAIRMAN THOMAS: Question's been called for. All
18 those in favor of adopting Proposal 1 as submitted say aye.

19
20 IN UNISON: Aye.

21
22 CHAIRMAN THOMAS: Those opposed.

23
24 MS. WILSON: Aye.

25
26 CHAIRMAN THOMAS: Okay, motion carries. Proposal 2 --
27 do you ever watch David Letterman, how he's got those two guys
28 backing him whenever he makes an announcement, I think we
29 should adopt that.

30
31 MS McCONNELL: What?

32
33 CHAIRMAN THOMAS: When I say Proposal 2, hey. Somebody
34 else should say, Proposal 2, hey.

35
36 COURT REPORTER: Can I ask a quick question? Was that
37 you who said who was opposed to that Marilyn?

38
39 MS. WILSON: Yes.

40
41 CHAIRMAN THOMAS: Marilyn.

42
43 COURT REPORTER: Thank you.

44
45 MS. MASON: Thank you, Mr. Chairman. Proposals 2A, 2B
46 and 2C are three different proposals all requesting a revised
47 c&t determination for goat in Unit 1(B).

48
49 MS McCONNELL: Rachel?

0066

1 MS. MASON: Yeah.

2
3 MS McCONNELL: Can I see if he's picking you up?

4
5 MS. MASON: Sure.

6
7 MS McCONNELL: Lonnie, are you picking up Rachel okay?

8
9 MR. ANDERSON: No, I'm not.

10
11 MS McCONNELL: Pull the mike closer.

12
13 MS. MASON: Can you hear me now, Lonnie?

14
15 MR. ANDERSON: A little bit.

16
17 MS. MASON: What should I do to make it better?

18
19 (Off record comments)

20
21 MS. MASON: Lonnie, another thing is I'm really not
22 going to say much that departs from written in your booklet,
23 I'm just going to summarize what's there. So I don't know if
24 it's necessary to make a special effort to amplify me.

25
26 CHAIRMAN THOMAS: She's going to go verbatim what's in
27 the book, Lonnie.

28
29 MR. ANDERSON: Okay.

30
31 MR. CLARK: Rachel, you could just sit up at the table
32 by the phone.

33
34 MS. MASON: Okay.

35
36 CHAIRMAN THOMAS: Okay, Lonnie, we're correcting the
37 technical difficulties.

38
39 MR. ANDERSON: I'll tell you, I'm beginning to hear you
40 a little better. It sounds like you were speaking in a drum or
41 something.

42
43 CHAIRMAN THOMAS: We were.

44
45 MS. MASON: Can you pick me up now, Lonnie?

46
47 MR. ANDERSON: Yes.

48
49 MS. MASON: Okay.

0067

1 MS McCONNELL: She's right next to you.

2
3 MS. MASON: I'm right next to the phone.

4
5 (Off record comments)

6
7 MS. MASON: I'm here to talk about Proposals 2A, 2B and
8 2C and all of these require a revised customary and traditional
9 determination for goat in Unit 1(B). Proposal 2A asks that the
10 no subsistence determination that is currently in effect for
11 residents of Petersburg, Kupreanof and outlying areas for goat
12 in Unit 1(B) be removed. So what that proposal asks is that it
13 go to a no determination for goat in Unit 1(B). Proposal 2B,
14 which is the one that was submitted in 1996 by this Council and
15 deferred and also incorporates a backlog proposal, requests a
16 positive c&t determination for goat in Unit 1(B) for residents
17 of Units 1(A), 1(B), 2, 3 and 4. And Proposal 2C, which is a
18 backlog request asks for a positive c&t determination for goat
19 in Unit 1(B) only for the residents of Units 1(B) and 3.

20
21 Currently there is no customary and traditional
22 determination for goat in Unit 1(B), except that there's no
23 subsistence -- no Federal subsistence priority for the
24 residents of Petersburg, Kupreanof and outlying areas. Also
25 there are no permanent communities in Unit 1(B). So the rural
26 communities in Unit 3 are the main adjoining communities. And
27 so there is a particular interest in this analysis in the
28 communities of Wrangell, Petersburg and Kake.

29
30 The residents of Southeast Alaska have used goat
31 continuously throughout history and recorded history wherever
32 goat is found. There have also been extensive trade networks
33 of goat meat, skins, fleece and horns. These were common trade
34 items of the Tlingit, Chilkat blankets are well known. These
35 traditional blankets are woven of goat wool and they were made
36 in the northern part of the Tlingit territory and traded to the
37 Haida and Tsimshian for cedar canoes. And the mountain goat
38 appears in Tlingit stories and clan crests.

39
40 From ADF&G harvest information, we see that the
41 residents of rural communities in Units 1(A), 2, 3 and 4 have
42 all harvested goat in Unit 1(B) between 1985 and 1994. And
43 most of these, it seems are from Petersburg. Of the 998
44 hunters that returned harvest tickets for goat in Unit 1(B), 61
45 percent of the hunters were from Unit 3 and most of them from
46 Petersburg. And of the 367 goats taken during that same
47 period, 58 percent were by residents of Unit 3 and again,
48 dominated by residents of Petersburg.

49

We also looked at goat harvest and participation rates

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1 in 1987 based on division of subsistence research during that
2 year and these were for communities in Units 1 through 4 for
3 harvest of goat anywhere. And of all these communities in all
4 those units for which harvest subsistence data area available,
5 Wrangell in Unit 3 appears to have the highest contemporary
6 harvest of goat or at least for the year '87. Wrangell
7 households reported taking a total of 38 goats that year. And
8 the only other communities that reported harvesting goat in
9 1987 were Metlakatla, Hollis, Thorn Bay and Sitka.

10
11 When we turned to looking at use areas, Unit 1(B) --
12 traditional use areas, Unit 1(B) falls almost entirely within
13 the boundaries of the traditional lands that were used by the
14 Wrangell or Stikine Tlingit Group. And almost all of the
15 Alaska Native residents of the contemporary community of
16 Wrangell are members of this Tlingit group and I -- in talking
17 to John Feller last night, I discovered that some of the Native
18 residents of Petersburg are also descendants of the Wrangell --
19 what was called the Wrangell Tlingit Group. But most of the
20 Alaska Native residents of Kake and some of those in Petersburg
21 are part of the Kake group whose traditional territory borders
22 on Unit 1(B). And all three communities in Unit 3 that I
23 mentioned, Wrangell, Petersburg and Kake do almost all or
24 virtually all their goat hunting in Unit 1(B).

25
26 So our preliminary conclusion and again, I'll take each
27 of these subparts of the proposal in order, to reject Proposal
28 2A because it's main intent is to allow goat subsistence
29 hunting for the residents of Petersburg and Kupreanof and that
30 would be accomplished by adopting Proposal 2C. We also
31 concluded that Proposal 2B should be rejected and that would
32 give a positive c&t determination for goat in Unit 1(B) to the
33 residents of Units 1(A), 1(B), 2, 3 and 4. In regards to
34 Proposal 2C, our recommendation was to adopt and that would be
35 to give a positive c&t determination for goat in Unit 1(B) only
36 to the residents of Unit 1(B) and 3.

37
38 Justification for this conclusion is that historically
39 and in contemporary times, mountain goat has been an important
40 resource to the residents of Southeast Alaska. However, the
41 residents of Units 1(A), 2 and 4 have not traditionally hunted
42 in Unit 1(B). And this is the area that was used by the
43 Wrangell Tlingits, some of the descendants whom now live in
44 Wrangell and in other Unit 3 communities. Many of the other
45 Alaska Native residents of Unit 3 of Kake and Petersburg are
46 descendent from the Kake Tlingits whose traditional use area
47 touched upon Unit 1(B) and who had many contacts with the
48 Wrangell Tlingits. And as we've seen in the contemporary uses
49 of Unit 1(B) for goat are dominated by the residents of Unit 3.

50 So that completes the analysis.

0069

1 CHAIRMAN THOMAS: Okay. So the recommendation was to
2 adopt one.....

3
4 MS. MASON: To adopt 2C.

5
6 CHAIRMAN THOMAS: 2C.

7
8 MS. MASON: Right. But to reject 2A and 2B.

9
10 CHAIRMAN THOMAS: 2A and 2B. Okay, one at a time.
11 Let's deal with 2A first.

12
13 MR. CLARK: Mr. Chairman are you ready for public
14 written comments?

15
16 CHAIRMAN THOMAS: Yes, we are, thank you.

17
18 MR. CLARK: Because it's a c&t proposal, Alaska
19 Department of Fish and Game is not making comments, they're
20 deferring all comments in all c&t proposals this round.

21
22 CHAIRMAN THOMAS: Is that the whole of them?

23
24 MR. CLARK: That's it.

25
26 CHAIRMAN THOMAS: Were there any comments from the
27 audience with regards to -- yeah, Ralph.

28
29 MR. GUTHRIE: I have some questions there on the.....

30
31 CHAIRMAN THOMAS: You want to come forward.

32
33 MR. GUTHRIE: My name is Ralph Guthrie. I have some
34 problems in my mind and I'm not sure how to revise them, but I
35 see that the Petersburg area is being included into the
36 customary and traditional use area.

37
38 Petersburg has been turning down customary and
39 traditional use, so I think isn't it necessary to go to
40 Petersburg -- or this group to go out and ask for customary and
41 traditional so that it's there? You know, that's my question.
42 You know, can we just give customary and traditional use to an
43 area that's refused it.

44
45 CHAIRMAN THOMAS: I don't know that we have any history
46 of them refusing. I don't think any of that has been brought
47 to our attention that they refused it.

48
49 MR. GUTHRIE: Yeah, well, you know, like Sitka's been

50 on record with the State as being in the, you know, accepting

0070

1 that. And you know, I was in Petersburg for a long time, you
2 know, what they -- what everybody calls subsistence is
3 customary and traditional use, you know, and it's been turned
4 down at their advisory level, you know. And you know, that's
5 the question -- you know, if they -- if it's turned down there
6 at that situation, how does -- how do we -- this Board stand as
7 to just giving this.....

8
9 CHAIRMAN THOMAS: Do you know what the makeup of their
10 board was?

11
12 MR. GUTHRIE: Well, I was pretty sure that it was in a
13 makeup that was going to be consistent with accepting that
14 situation.

15
16 CHAIRMAN THOMAS: Was any brown skin on that advisory
17 committee?

18
19 MR. GUTHRIE: At that time there wasn't.

20
21 CHAIRMAN THOMAS: Yeah, so that's probably why this is
22 considered -- that's been established and so that would be the
23 difference.

24
25 MR. GUTHRIE: So you can make it -- you know, the
26 question I'm asking is can you make this designation, you know,
27 in light of that situation?

28
29 CHAIRMAN THOMAS: Yes. It was on the backlog. We had
30 a backlog for years on these determinations. And just recently
31 we were able to get caught up on those and acknowledging them
32 to where we could put them on the books.

33
34 MR. GUTHRIE: Yeah, okay, well, I was just kind of
35 curious because I got a big family over there, you know.
36 They're not all Wrangell people, but that's where my grandma
37 was born, some of them are Kake and some of them are Juneau and
38 some of them are Sitka people.

39
40 CHAIRMAN THOMAS: Good point. I appreciate that.

41
42 MR. GUTHRIE: Thank you.

43
44 CHAIRMAN THOMAS: Vicki.

45
46 MS. LeCORNUE: Bill, I just wanted this gentleman to
47 know that he has access to presenting proposals himself. It
48 doesn't have to be through a local advisory board.

49

CHAIRMAN THOMAS: Oh, yeah. That's Ralph Guthrie,

0071

1 first meeting. Let's welcome Vicki to our Council, we're glad
2 that you made it in.

3
4 MS. LeCORNU: Yes.

5
6 CHAIRMAN THOMAS: And who were you traveling with?

7
8 MS. LeCORNU: Dale.

9
10 MS McCONNELL: Dale came in late too.

11
12 CHAIRMAN THOMAS: Is that why you were late?

13
14 MS. LeCORNU: That's why I was late, blame it on him.

15
16 CHAIRMAN THOMAS: Yeah. Well, we're happy to see Dale
17 as well. Are there any further comments from the audience?
18 Any agency comments with regards to the proposal? Okay,
19 bringing it to the Council, we're dealing with 2A, is that what
20 I said?

21
22 MS McCONNELL: Yeah, 2A.

23
24 CHAIRMAN THOMAS: What's the wish of the Council?

25
26 MR. GEORGE: Move to adopt.

27
28 CHAIRMAN THOMAS: Move to adopt the recommendation of
29 the Staff?

30
31 MR. GEORGE: Oh, I thought you were going to deal with
32 the proposals one at a time?

33
34 CHAIRMAN THOMAS: We are.

35
36 MR. GEORGE: To vote it up or down. I move to adopt
37 Proposal 2A.

38
39 MS McCONNELL: And then vote it down if we're not
40 interested. I'll second it.

41
42 CHAIRMAN THOMAS: Okay. Further comments? Any
43 comments, Lonnie?

44
45 MR. ANDERSON: No, agree with the proposal.

46
47 CHAIRMAN THOMAS: Okay.

48
49 MR. GEORGE: Under comments, I would endorse the

50 recommendation of Staff to vote it down.

0072

1 CHAIRMAN THOMAS: Okay. You hear the motion to adopt,
2 the recommendation was to reject. If that doesn't confuse you,
3 I don't know what else I can do.

4
5 MS. WILSON: Question.

6
7 CHAIRMAN THOMAS: Question's been called for. All
8 those in favor to adopt say aye.

9
10 (No aye votes)

11
12 CHAIRMAN THOMAS: All those opposed say no.

13
14 IN UNISON: No.

15
16 CHAIRMAN THOMAS: That motion was defeated. 2B, very
17 similar in nature and language. They passed on all of them,
18 um? Any comments from the audience or agencies with regards to
19 2B?

20
21 MS. WILSON: Was there a motion made, Mr. Chairman?

22
23 MS McCONNELL: Not yet.

24
25 MS. WILSON: Mr. Chairman, I move we adopt Proposal 2B.

26
27 CHAIRMAN THOMAS: It's been moved to adopt Proposal 2B.
28 Is there a second?

29
30 MS. RUDOLPH: Second.

31
32 CHAIRMAN THOMAS: It's been moved and seconded. Any
33 further discussion?

34
35 MS McCONNELL: Question.

36
37 CHAIRMAN THOMAS: The question's been called. All
38 those in favor of adopting Proposal 2B say aye.

39
40 (No aye votes)

41
42 CHAIRMAN THOMAS: All those opposed say no.

43
44 IN UNISON: No.

45
46 CHAIRMAN THOMAS: That motion has been defeated.
47 Proposal 2C, the recommendation by Staff was to adopt. By
48 adopting this proposal would address the concerns expressed in
49 2A and 2B. Were there any public comments or agency comments

50 around this proposal, Proposal 2C? Seeing none, we're back to

0073

1 the Council.

2

3 MS McCONNELL: I move to adopt 2C.

4

5 CHAIRMAN THOMAS: It's been moved to adopt 2C. Is
6 there a second?

7

8 MS. RUDOLPH: Second.

9

10 MR. ANDERSON: Second.

11

12 CHAIRMAN THOMAS: Moved and seconded, thank you. Now,
13 further discussion?

14

15 MS. WILSON: The question.

16

17 CHAIRMAN THOMAS: The question's been called. All
18 those in favor of adopting 2C say aye.

19

20 IN UNISON: Aye.

21

22 CHAIRMAN THOMAS: Those opposed same sign.

23

24 (No opposing votes)

25

26 CHAIRMAN THOMAS: That motion is adopted. Proposal 3.

27

28 MS. MASON: Thank you, Mr. Chairman. Proposals 3, 4
29 and 5 were analyzed together because they all deal with moose
30 in Unit 1(B). Proposal 3 requests a change in the customary
31 and traditional determination for moose in the Stikine River
32 drainage portion of Unit 1(B) from all rural residents to a
33 positive determination for the residents of Units 1(B) and 3.
34 Proposal 4 requests a change in the customary and traditional
35 determination for moose in Unit 1(B) north of LeConte Glacier,
36 changing it from no subsistence to a positive determination for
37 rural residents of Units 1(B), 2, 3 and 4. And Proposal 5
38 requests a change in the customary and traditional
39 determination for moose in the portion of 1(B) south of LeConte
40 Glacier, except the Stikine River drainage from no
41 determination to a positive determination for the residents of
42 Units 1(B), 2 and 3.

43

44 And currently Unit 1(B) as you gather from this
45 discussion is divided into three parts for management. There's
46 currently no customary and traditional determination for moose
47 in Unit 1(B) in the Stikine River drainage and that's right in
48 the middle of the area. If you look at your Region 1 map that
49 you have, you can see the Stikine River kind of dividing Unit

50 1(B) north and south. There's no subsistence in the portion

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1 north of LeConte Glacier, which is essentially north of the
2 Stikine River drainage and then there's no determination for
3 c&t in the portion of 1(B) that's south of LeConte Glacier.

4
5 MR. CLARK: Mr. Chairman?

6
7 CHAIRMAN THOMAS: Fred.

8
9 MR. CLARK: Rachel, I'm passing around an illustration
10 of Unit 1(B) that shows how the different areas are broken up.

11
12 MS. MASON: Great, thank you. And as you recall, there
13 are no resident communities in Unit 1(B), but according to
14 harvest data, communities throughout the Southeast region and
15 indeed from all over Alaska have hunted moose in Unit 1(B).
16 Most of the hunting efforts, in fact, about 87 percent of the
17 hunting effort in 1(B) has been by residents of Petersburg and
18 Wrangell and about 88 percent of the moose taken were by
19 residents of Petersburg and Wrangell, in this area. And then
20 we have a record of a rather modest moose harvest by other
21 rural residents of Southeast Alaska.

22
23 In regard to the traditional hunting areas, in the
24 past, the Stikine River was a traditional hunting area and
25 control of this area was of extreme importance. The Wrangell
26 Tlingit, again, are the indigenous, inhabitants and the users
27 of this area and use by any other Tlingit groups had to be by
28 permission of the Wrangell Tlingits. And in contemporary times
29 as shown above in the discussion I just mentioned, most of the
30 users of Unit 1(B) for moose have been residents of the
31 communities of Wrangell and Petersburg and so many of them are
32 members of the Wrangell Tlingit Group. Today access for moose
33 hunting in the Stikine area is by boat and by foot. And it
34 continues in a similar fashion to the way that hunting occurred
35 at the time that moose migrated into the area. And I can't
36 remember exactly when they migrated in there, but it has only
37 been since the 1950s that moose have been available for harvest
38 in that area.

39
40 The largest difference since moose first arrived there
41 is that there's been increased accessibility of the region via
42 air transportation. But basically the requirement in the
43 customary and traditional factors of reasonable accessibility
44 could be applied to any community in Southeast Alaska because
45 they could have access by boat. However, communities outside
46 the region, who would require commercial air transportation
47 would probably fail to be reasonably accessible, because that
48 would be just such a far distance to travel.

49

50 Our conclusion was to consolidate the proposals and to

0075

1 modify them all to recognize a positive customary and
2 traditional determination for moose in Unit 1(B) for the rural
3 residents of Units 1, 2, 3 and 4. The justification for this
4 is that the rural communities within each of Units 1, 2, 3 and
5 4 exemplify the factors for determining c&t use of moose and in
6 this case in Unit 1(B) and rural residents of Southeast Alaska
7 have customarily and traditionally used moose from Unit 1(B)
8 since it first migrated to the area. And this followed an
9 excessive trade in, at least, moose skins by the indigenous
10 inhabitants with Indians of the Canadian Interior.

11
12 Moose continues to be utilized by a large proportion of
13 the rural communities of the region. Each of the units in
14 Southeast Alaska with the exception of Unit 5, which has its
15 own more accessible moose population, has communities that have
16 either attempted to harvest in Unit 1(B) or they have succeeded
17 in harvesting moose in 1(B). So the opportunistic aspect of
18 moose hunting in Southeast Alaska provides the strongest
19 argument for having a pretty wide scope in the c&t
20 determinations here. And you might notice that there is a
21 difference from the last proposal in which our recommendation
22 was for a narrower scope. And we saw a difference between goat
23 -- the situations with goat and moose, that the goat has
24 already been there, but with moose there has been a shifting
25 population of moose. And with the goat, there was more of a
26 traditional trade reflecting the past clan territory. so in
27 the case of moose, we saw it more justified to have a wider
28 harvest of it.

29
30 And another note that I wanted to add is that the
31 effect of giving a positive c&t for moose in Unit 1(B) and this
32 would be as a whole, not just for the three different
33 management regions of 1(B), but it would be for all of 1(B),
34 but for those portions of Unit 1(B), it would narrow it down
35 more to say, this is for residents of 1, 2, 3 and 4, rather
36 than all rural residents of Alaska who are currently -- have
37 c&t there. And that would be for the portions that are in the
38 Stikine River drainage and south of LeConte Glacier, those are
39 the ones that currently have no c&t. It would expand the
40 number of eligible hunters in the portion north of LeConte
41 Glacier, in which there is currently no subsistence priority.

42
43 So I'll stop there for any questions you have.

44
45 CHAIRMAN THOMAS: Okay, any interest of input or
46 comments from the audience? Agencies? Okay, that brings it
47 back to the Council.

48
49 MS. WILSON: Mr. Chairman?

0076

1 CHAIRMAN THOMAS: Marilyn.

2

3 MS. WILSON: I would like to state for the record, I'm
4 thoroughly confused.

5

6 CHAIRMAN THOMAS: Well, I am as well. My question is,
7 with your conclusion to consolidate the proposals and modify to
8 recognize a positive customary and traditional determination,
9 how would that be accomplished?

10

11 MS. MASON: I think the best way would be to reject two
12 of them and then adopt a third with modification and that could
13 be any one of them. You would just modify it. Say you were
14 going to do that with Proposal 3, you could take the proposal
15 which is for a positive c&t in Unit 1(B), the Stikine River
16 drainage only for moose for residents of Units 1(B) and 3, if
17 you were to adopt the Staff recommendation, you would adopt
18 with the modification that it was for Unit 1(B) and that it was
19 for residents of Units 1, 2, 3 and 4.

20

21 CHAIRMAN THOMAS: I think I would favor deferring this
22 until we've had a chance to put it in a language that we can
23 look at and be comfortable with.

24

25 MS McCONNELL: Question?

26

27 CHAIRMAN THOMAS: Mim.

28

29 MS McCONNELL: Yeah, I'm a little bit confused about
30 the three different areas and which one the Staff is
31 recommending? There are three different areas, right? The
32 south of the glacier, north of the glacier and the drainage
33 only?

34

35 MS. MASON: Yes.

36

37 MS McCONNELL: So which is it that's been recommended?

38

39 MS. MASON: We are recommending for all three together.

40

41 MS McCONNELL: All three areas?

42

43 MS. MASON: Yes. We are recommending that there
44 not.....

45

46 MS McCONNELL: So basically you could just say Unit
47 1(B)

48

49 MS. MASON: That's correct.

0077

1 MS McCONNELL:period?

2

3 MS. MASON: That's correct.

4

5 MS McCONNELL: And you were suggesting that it be for
6 all of those units, well, 1(B), 2, 3 and 4, leaving out 1(A)
7 and 1(C).

8

9 MS. WILSON: What does 2, 3 and 4 mean?

10

11 MS McCONNELL: The unit.

12

13 MS. MASON: The units.

14

15 MS. WILSON: The units?

16

17 MS. MASON: Yes.

18

19 MS. WILSON: Isn't that included in 1(B), all of those
20 units?

21

22 MS. MASON: The recommendation would be to recognize a
23 positive c&t for moose in all of Unit 1(B), so eliminating the
24 distinctions between the different portions -- the geographical
25 portions of Unit 1(B). The people that would be eligible to
26 hunt there would be rural residents of Units 1, 2, 3 and 4. So
27 people in the other parts of Unit 1, other than 1(B) would also
28 be eligible given that recommendation.

29

30 MS McCONNELL: Okay, so 1, 2, 3 and 4?

31

32 MS. MASON: Right, right.

33

34 CHAIRMAN THOMAS: You got it Lonnie?

35

36 MR. ANDERSON: I hear you loud and clear.

37

38 CHAIRMAN THOMAS: All right.

39

40 MS McCONNELL: So I would -- it seems like 4 would be
41 the easiest one to change because we would just strike the B,
42 so it's Units 1, 2, 3 and 4 and then it would be strike north
43 of LeConte Glacier and just say Unit 1(B).

44

45 MS. MASON: That's right.

46

47 CHAIRMAN THOMAS: Do you want to talk near the phone so
48 Lonnie can hear you.

49

MS McCONNELL: What it looks like to me is we can do

0078

1 this with Proposal 4 and we would strike north of the LeConte
2 Glacier, those words, so it would be -- the proposed regulation
3 would be Unit 1(B) moose. And then the shaded area, rural
4 residents of Units 1(B), 2, 3 and 4, you would strike the (B),
5 so it's all of Unit 1, not just (B). Rural residents of Units
6 1, 2, 3 and 4 have use for moose in all of Unit 1(B).

7
8 MS. MASON: Um-hum. (Affirmative)

9
10 CHAIRMAN THOMAS: Vicki.

11
12 MS. LeCORNNU: Bill, I just have one comment. I see all
13 the communities listed as Copper Cove, Etolin Bay, Point Baker,
14 Port Inlet, Port Ellis and Thorn Bay.

15
16 CHAIRMAN THOMAS: Um-hum. (Affirmative)

17
18 MS. LeCORNNU: And when I first got on this Council, I
19 protested the inclusion of these communities because according
20 to my definition of rural, it's all Native villages not of an
21 urban character. And since 1971, these communities are new,
22 they have no customary trade. And listing them here as having
23 a history of customary trade will only erode the customary and
24 traditional users and that's my only point. Thanks.

25
26 CHAIRMAN THOMAS: Okay, thank you. Any other comments?
27 Discussions?

28
29 MS. WILSON: Mr. Chairman?

30
31 CHAIRMAN THOMAS: Marilyn.

32
33 MS. WILSON: I thought the Title VIII ANILCA protected
34 all rural areas?

35
36 CHAIRMAN THOMAS: That's what it says, rural.

37
38 MS. WILSON: Yeah. They've already made that
39 determination.

40
41 MS. LeCORNNU: Well, what I use as a criteria for a
42 basis for determining is is it going to protect customary and
43 traditional uses, if not, then you could require a second look
44 and it does require scrutiny at this point. If we're going to
45 go along with the definition that undoes the traditional users,
46 then we're not doing our jog.

47
48 MS McCONNELL: Did you catch any of that Lonnie?

49

MR. ANDERSON: I couldn't understood Vicki, but I

0079

1 understand Mim.

2

3 CHAIRMAN THOMAS: Further comments? Questions? Okay,
4 what's the with of the Council?

5

6 MS McCONNELL: Well, we could do what we did on the
7 last batch, I'll just move to adopt Proposal 3 and start with
8 that.

9

10 CHAIRMAN THOMAS: Is that what we want to adopt?

11

12 MS McCONNELL: Well, 4 is the one I've changed. So I'm
13 going to adopt 3 with the idea that it's going to be voted
14 down.

15

16 CHAIRMAN THOMAS: Okay.

17

18 MS McCONNELL: We'll see what happens, if that really
19 works.

20

21 CHAIRMAN THOMAS: Move to adopt Proposal 3.

22

23 MS. WILSON: Did you get a second?

24

25 CHAIRMAN THOMAS: No.

26

27 MS McCONNELL: No.

28

29 MS. WILSON: I second that.

30

31 CHAIRMAN THOMAS: Moved and second to adopt Proposal 3.
32 Any discussion? All those in favor say aye.

33

34 (No aye votes)

35

36 CHAIRMAN THOMAS: All those opposed say no.

37

38 IN UNISON: No.

39

40 CHAIRMAN THOMAS: That motion fails.

41

42 MS McCONNELL: Should we.....

43

44 CHAIRMAN THOMAS: Keep going.

45

46 MS McCONNELL: I move that we adopt Proposal 4 with the
47 following changes. That it would read Unit 1(B) moose, rural
48 residents of Units 1, 2, 3 and 4.

49

CHAIRMAN THOMAS: Okay, you heard the motion. Is there

0080

1 a second?

2

3 MS. WILSON: Second.

4

5 MR. ANDERSON: Second it.

6

7 CHAIRMAN THOMAS: It's been moved and seconded.

8 Discussion? Was the question called for?

9

10 MS. RUDOLPH: Question.

11

12 CHAIRMAN THOMAS: Question's been called for? All

13 those in favor of adopting Proposal 4 say aye.

14

15 IN UNISON: Aye.

16

17 CHAIRMAN THOMAS: Opposed same sign.

18

19 (No opposing votes)

20

21 CHAIRMAN THOMAS: The ayes have it.

22

23 MS McCONNELL: We need to do the same thing with 5.

24

25 CHAIRMAN THOMAS: The same thing with 5.

26

27 MS McCONNELL: I move that we adopt Proposal 5.

28

29 MS. WILSON: I second that.

30

31 CHAIRMAN THOMAS: It's been moved and seconded to adopt

32 Proposal 5.

33

34 MS McCONNELL: Question.

35

36 CHAIRMAN THOMAS: Question's been called. All those in

37 favor say aye.

38

39 (No aye votes)

40

41 CHAIRMAN THOMAS: All those opposed.

42

43 IN UNISON: No.

44

45 CHAIRMAN THOMAS: No from Kake?

46

47 MR. ANDERSON: No from Kake.

48

49 MS. WILSON: No from Haines.

0081

1 CHAIRMAN THOMAS: No from Haines. Okay, that motion
2 fails. Proposal 6, thank you for coming up here to dominate
3 our teleconference participants.

4
5 MR. WILLIS: Thank you, Mr. Chair. Hello Lonnie.

6
7 CHAIRMAN THOMAS: Mr. Robert Willis.

8
9 MR. WILLIS: Proposal 6 was proposed by the U.S. Forest
10 Service. It would reopen a hunting season for goat in an area
11 of Unit 1(C) which has been closed to go hunting since 1986.
12 Now, this area allays immediately west of Juneau and it's
13 composed of the drainages of the Chilkat Mountain Range on the
14 south side of the Endicott River. It's part of a larger area
15 that was closed to goat hunting some years ago with due to
16 population declines.

17
18 This particular regulation would open a portion of that
19 previously closed area and combine it with part of the unit
20 which currently has a season of October 1 to November 30. And
21 a harvest limit of one goat by State registration permit only.
22 ADF&G flew surveys back in the mid-80s on this area and found
23 that the counts had dropped from between 50 and 70 goats
24 sighted at a sighting rate of 80 goats per hour to between 10
25 and 20 goats at a rate of about 30 goats per hour, which
26 indicated a significant drop in the population. They flew the
27 area again this past June and found that the population had
28 recovered and had reached a level which meets or somewhat
29 exceeds the population of the 1970s when it was hunted. The
30 percentage of goats counted were kids and the ratio of kids to
31 adults were also high indicating a healthy population. So in
32 October ADF&G recommended and the State Board approved
33 reopening of the State hunting season for goats in that area.

34
35 This proposed subsistence regulation would duplicate
36 the State regulation. There's a figure in your book on Page 44
37 which indicates the population in the '70s, a drop in the '80s
38 and the recovery in the '90s and I think it's a pretty graphic
39 illustration of how the population has recovered.

40
41 We recommend supporting this proposal. The surveys
42 done by ADF&G were quite complete. I think it's clear that the
43 population has recovered to a mountable levels and this would
44 provide for some additional opportunity for the subsistence
45 user. That concludes the Staff analysis.

46
47 CHAIRMAN THOMAS: Thank you. Any comments from members
48 of the audience? Written comments?

49

MR. CLARK: We have written comments from the Alaska

0082

1 Department of Fish and Game in support of this proposal. The
2 Board of Game adopted a similar proposal which opened in
3 October through November goat season in Chilkat Range. This
4 proposal calls for use of the State permit, which should
5 minimize the potential for confusion between State and Federal
6 subsistence hunters.

7
8 That concludes the written comments.

9
10 CHAIRMAN THOMAS: Any agency comments with regards to
11 Proposal 6? Okay, back to the Council, what's the wish of the
12 Council?

13
14 MS. WILSON: Mr. Chairman, I move that we do pass -- or
15 adopt.....

16
17 CHAIRMAN THOMAS: It's been moved to adopt Proposal 6.
18 Is there a second?

19
20 MR. FELLER: I'll second, Mr. Chairman.

21
22 CHAIRMAN THOMAS: It's been moved and seconded.
23 Discussion?

24
25 MS. WILSON: I have a question.

26
27 CHAIRMAN THOMAS: Okay.

28
29 MS. WILSON: How do they count these goats? It seems
30 like there's always a red flag saying we don't have enough
31 resource and sometimes the goat are the -- the system of
32 counting is not right and I want to know if this is a good way
33 to count or in a good time also?

34
35 CHAIRMAN THOMAS: Well, it's probably the.....

36
37 MS. WILSON: Because the goats move.

38
39 CHAIRMAN THOMAS: By aerial observation is probably the
40 most efficient way, the most complete way to tally them. I
41 don't know, I wouldn't do it. But I can't think of a better
42 way.

43
44 MR. WILLIS: I can respond to that, Mr. Chair, if you'd
45 like. There was no surveys flown from mid-1980s to '96 because
46 of the lack of resources. However, ADF&G then began to get
47 information that the goats were coming back in that area, so
48 they committed the resources to go out and make a very thorough
49 aerial survey. They do that by flying very low and slow in a

50 Piper Super Cub or similar airplane with two observers. And I

0083

1 have the maps -- I've got copies of the report, the actual
2 reports that were written in the air and the map showing where
3 they flew and feel quite comfortable that they did a good job
4 of counting the goats.

5
6 CHAIRMAN THOMAS: Any further discussion? All those in
7 favor say aye.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN THOMAS: Those opposed same sign.

12
13 (No opposing votes)

14
15 CHAIRMAN THOMAS: Proposal 6 is adopted. Proposal #7.

16
17 MR. WILLIS: Mr. Chair, Proposal 7 was submitted by the
18 Sumner Strait Fish and Game Advisory Committee. And it would
19 shorten the deer season in Unit 2 by one month from August 1/
20 December 31 to September 1 to December 31 and it would
21 eliminate the harvest of antlerless deer in Unit 2.

22
23 Now, this proposal was submitted out of a concern that
24 the deer population in Unit 2 was declining, particularly on
25 the north end of Prince of Wales Island. And that the doe
26 season which was put in place a couple of years ago was a part
27 of the reason for that. Currently the season allows the taking
28 of antlerless deer during the period October 15 to December 31
29 and a limit of one doe. However, there is a designated hunter
30 provision which we put in place in 1995/96 which would allow
31 people to take additional does for other people.

32
33 We don't have a very good estimate of the size of the
34 deer population for that unit. We know that the habitat
35 quality is declining because of harvest of old growth timber,
36 which is the critical winter habitat for the deer. The second
37 growth forest that comes up to where it reaches the closed
38 canopy state in about 25 to 30 years and provides very poor
39 habitat from that period for another 100 to 150 years. Also
40 the clearcuts where the deer spend a lot of time and are able
41 to browse are very susceptible to being snow covered during
42 severe winters. We haven't had a severe winter down there in a
43 few years, so the population has been able to maintain itself
44 fairly well in those clearcuts, but they're growing older. And
45 we know that when we have the next severe winter, we're going
46 to have a very significant die off.

47
48 A lot of people down there are saying that the deer
49 population is in decline this year. We don't have very much

50 scientific data to support that. But the Forest Service has

0084

1 run around and talked to a lot of people on the ground out
2 there and there seems to be a fairly universal feeling that
3 deer populations are down or at least that people are seeing
4 fewer deer this year than they have in years past. We do have
5 some information on harvests up through 1995, pretty good
6 information on harvest. And that indicates that the harvest
7 has increased since the mid-80s, it's gone up about 26 percent
8 from the last five year period over the period 1980 to '89.
9 Also we've had an increase in the number of hunters during that
10 period. However, the number of deer harvested per hunter for
11 years has been remarkably constant during that period. It's
12 varied only from 1.3 to 1.6 deer per hunter, with an average of
13 1.4. The number harvested per hunter in 1995 was 1.5 which is
14 on the upper end of that scale. So we feel that the increasing
15 harvest is likely due to an increasing number of hunters.
16 We've had the population -- the local population has increased
17 quite considerably and also there's been more people coming
18 from other areas to hunt there.

19
20 There's been a lot of new road construction in
21 connection with the timber harvest and that also allows people
22 to travel around and cover more ground. We found that the
23 number of days required to harvest the deer actually declined
24 slightly from 1994 to 1995. However, that's not a real big
25 difference and we don't think it's statistically significant.
26 What is significant is that it's like the other parameters,
27 it's staying within the same range that it has per number of
28 years.

29
30 We had 2,956 bucks harvested and 320 does reported
31 harvested in 1995. I noticed also in looking at the months
32 harvested, that a number of those does were reported harvested
33 in August, which is illegal because the doe season doesn't open
34 until October 15th. So apparently there was some problem with
35 communication about when the season was supposed to be.

36
37 Harvesting does have a greater negative impact on
38 recruitment of young deer into the population than does the
39 harvest of bucks. And in addition to the impact on deer, if
40 you do have a decline, in that area you also have an impact to
41 the Alexander Archipelago wolf population, which depends on the
42 deer as its primary food source. Given the difficulty of
43 attaining a harvest and biological data in this area, it's
44 quite possible that the population could decline due to an
45 overharvest of does and we would not be able to detect it with
46 the existing techniques that we have.

47
48 Rural residents have harvested an average of 66 percent
49 of the deer from 1987 through 1995 and that has not varied a

50 great deal either. Most of those hunters are from Unit 2,

0085

1 however, there are a significant number of non-Unit 2 rural
2 residents who hunt on Prince of Wales Island. The Forest
3 Service Subsistence Coordinator for the Ketchikan area
4 contacted about 60 rural residents and discussed the deer
5 situation with them this year and the common comment was that
6 they were not seeing as many deer and they were unanimous in
7 stating that the antlerless season should be discontinued and
8 most of them also favored additional restrictions on non-local
9 hunters. On the other hand, these same -- the Forest Service
10 biologists on the island also noted that some of the good
11 hunters were doing just as well as they ever have, so there's
12 some question about whether or not this decline is real or
13 merely perceived.

14
15 One of the things we run into a lot when people are not
16 seeing a lot of a particular species, that there may have been
17 some other change, either weather related or food related or
18 something else that caused a change in their habits, so it
19 isn't necessarily that there are fewer deer because you're
20 seeing fewer deer. We found that the month of August which was
21 proposed for closing in this proposal accounted for about 35
22 percent of the deer harvest in Unit 2 during the last 10 year
23 period. Now, this was when the buck season was August 1 to
24 December 31. And that August accounted for 32 percent of the
25 legal harvest in 1994 and 38 percent in 1995. So a significant
26 amount of harvest does take place in the month of August.
27 However, you could not assume that that harvest would disappear
28 if the month of August was not open because most people would
29 simply shift their hunting to another period of the year.
30 Certainly you could expect some decrease in the harvest, but
31 how much is a little bit hard to say.

32
33 Now, it seems that there is some kind of a problem this
34 year with deer on Prince of Wales as far as people seeing them.
35 Everyone we've contacted says that they're seeing fewer deer
36 this year, however, we don't have the harvest data and won't
37 have that for a few months yet, so it's difficult to tell at
38 this point what the actual harvest is. It seems likely that
39 there is some deer population decline, at least, in some parts
40 of Unit 2, especially those that are most accessible and that
41 the antlerless harvest, while not totally responsible, probably
42 added to that decline. Again, I, as a biologist am a little
43 bit frustrated by the lack of scientific data that we have,
44 we're relying mostly on the local professionals input and.....

45
46 CHAIRMAN THOMAS: SWAG?

47
48 MR. WILLIS:the SWAG and the local people to
49 provide information.

0086

1 Our preliminary conclusion was to support the proposal
2 to eliminate the harvest of antlerless deer. But we saw no
3 reason at this time to shorten the season. Again, we don't
4 have a lot of scientific data, but both the local professional
5 wildlife managers and the local hunters are telling us that
6 they think the doe season is a bad idea. You may recall, we
7 had a lot of opposition to it when we put that in place two
8 years ago and that opposition seems to have multiplied over the
9 two years that it's been in place.

10
11 It's true that harvesting does has a greater negative
12 impact on the population than harvesting bucks and there may
13 well be some problems created that we can't detect with our
14 current level of knowledge. There may also be some adverse
15 impacts to the Alexander Archipelago wolf population. And this
16 is something that we have to consider because the wolf is
17 currently being considered as an addition to the threatened and
18 endangered species list.

19
20 At this time, although the proponents of this proposal
21 have asked for a shorter season, I don't see the evidence in
22 the harvest data to indicate that that part of it is necessary.
23 The number of days required to harvest a deer has not
24 increased, the number of deer harvested per hunter is still in
25 the upper range of the range that it has been for the last 10
26 years or so and the harvest is still high through 1995. As I
27 say, there is something going on this year, we don't know what
28 it is, but people are seeing fewer deer in '96, but we just
29 don't have any solid information yet to say, well, there's a
30 problem and we need to shorten the season. So at this time
31 we're recommending only to support the proposal to eliminate
32 the doe season.

33
34 CHAIRMAN THOMAS: Well, I'll probably do that if that
35 allegation where does are harvested during the month of August
36 can be substantiated.

37
38 MR. WILLIS: It can be substantiated. People reported
39 harvesting those deer during the month of August, that's where
40 that data came from from the hunter reports.

41
42 CHAIRMAN THOMAS: Do we have any of those available?

43
44 MR. WILLIS: I just have the summary data.

45
46 CHAIRMAN THOMAS: So visibly and notably that even
47 though they know that the season isn't open, they're getting
48 their does and there were no citations?

49

MR. WILLIS: I don't.....

0087

1 CHAIRMAN THOMAS: You know.....

2

3 MR. WILLIS: This is after the.....

4

5 CHAIRMAN THOMAS:when you have a regulation and
6 there's no citations for that kind of a violation, they need
7 more help than supporting the proposal.

8

9 MR. WILLIS: Well, obviously it would be nice to have
10 some more enforcement or some better up front PR work to let
11 people know when the season's open. You know, there's a big
12 opportunity for misinformation when you have differing Federal
13 and State seasons, people misunderstand where they can hunt and
14 where they can't hunt and what times of the year and so forth.
15 And I would say that the dates for that doe hunt were probably
16 not advertised well enough so that people understood that they
17 couldn't hunt does all through the season. That's the only
18 reason I can give for people actually reporting that they
19 harvested does.

20

21 CHAIRMAN THOMAS: Well, I have a hard time with that
22 because there was so much discussion, controversy over that
23 opening, that nothing was more clear. Nothing was more
24 discussed, nothing was more publicized, you know. There isn't
25 a single regulation that got the attention that that one got.

26

27 MR. WILLIS: Well, as I say, the only -- the only thing
28 I can say is that people are reporting that they shot deer.
29 And if they're writing that down and sending it in to ADF&G,
30 that they obviously think they're legal because if they thought
31 otherwise, they would not be reporting.

32

33 CHAIRMAN THOMAS: I got picked up a time or two and I
34 thought I was legal and it cost me to find out otherwise.
35 Written comments, you got a whole bunch of them?

36

37 MR. CLARK: Mr. Chairman, there's only one written
38 comment.

39

40 CHAIRMAN THOMAS: Okay.

41

42 MR. CLARK: It's from the Alaska Department of Fish and
43 Game. They write in support of the bag limit and they're
44 neutral on the season dates. The antler deer requirement is
45 consistent with State regulation.

46

47 CHAIRMAN THOMAS: Thank you. Any comments or questions
48 from the audience? Tim.

49

MR. CLARK: Mr. Chairman?

0088

1 CHAIRMAN THOMAS: Fred.

2

3 MR. CLARK: I'm being informed that there are more
4 comments maybe I did not have a copy of.

5

6 MR. BRISTOL: Thanks, Mr. Chairman. For the record, my
7 name is Tim Bristol and I'm from the Southeast Alaska
8 Conservation Council. SEACC represents 15 volunteer citizen
9 organizations in 12 communities in Southeast. We support the
10 proposal in its entirety. One thing that you have to keep in
11 mind with north Prince of Wales Island is what we're hearing
12 now assumes that we stay where we are, but as of right now, the
13 Forest Service has delivered a record decision on another
14 timber sale on the area, Lab Bay, it's another 42 million board
15 feet of timber out of the area. I don't know how many road --
16 miles of road building, but it's quite a bit.

17

18 Another thing, when you're talking about the seasons
19 before and people should have known when the doe season
20 started, the problem is you just can't police all that road.
21 There's thousands -- there somewhere around 3,000 miles of road
22 on Prince of Wales now and there's no possible way that you can
23 keep track of where everybody is on the island. I know I've
24 been hearing a lot of concerns about subsistence in that area
25 for a long time and now the Forest Service is going to go in
26 and take another 42 million board feet out of the area.

27

28 CHAIRMAN THOMAS: Okay, now bear in mind, these are
29 subsistence proposals.

30

31 MR. BRISTOL: Um-hum. (Affirmative)

32

33 CHAIRMAN THOMAS: The proposals are supposed to be
34 designed to provide the subsistence use of the resource to
35 those areas. Based on the people that submitted this proposal,
36 the language supporting it, the surveys that were done, the
37 information gathered, doesn't really fit the profile of a
38 subsistence community.

39

40 MR. BRISTOL: Um-hum. (Affirmative)

41

42 CHAIRMAN THOMAS: It fits more of those that probably
43 guide and have other uses of those resources, see. I'm not
44 convinced that that isn't the case.

45

46 MR. BRISTOL: So like Point Baker and Port
47 Protection.....

48

49 CHAIRMAN THOMAS: Yes.

0089

1 MR. BRISTOL:wouldn't be considered subsistence
2 communities?

3
4 CHAIRMAN THOMAS: Oh, yeah, but very recent. But
5 they're only.....

6
7 MR. BRISTOL: Okay.

8
9 CHAIRMAN THOMAS:they're considered subsistence
10 communities because of their location.

11
12 MR. BRISTOL: Right.

13
14 CHAIRMAN THOMAS: Not necessarily because of their
15 population. You know, if some of those people -- you can tell
16 just from a glance on who is submitting what for what reasons.
17 The language is different, apples and oranges, you know. So
18 this just really doesn't look like a subsistence concerned
19 proposal to me.

20
21 MR. BRISTOL: Okay. So you're saying this proposal is
22 sort of out of the scope?

23
24 CHAIRMAN THOMAS: Big time.

25
26 MR. BRISTOL: Okay.

27
28 CHAIRMAN THOMAS: Big time.

29
30 MR. BRISTOL: Well, I put in my two cents anyways.

31
32 CHAIRMAN THOMAS: Good two cents, appreciate it.

33
34 MR. BRISTOL: Thank you.

35
36 CHAIRMAN THOMAS: Thank you.

37
38 MR. CLARK: Mr. Chairman?

39
40 CHAIRMAN THOMAS: Yes.

41
42 MR. CLARK: There are additional public comments.
43 Quite a few of them as a matter-of-fact.

44
45 CHAIRMAN THOMAS: Ten from Ketchikan, one from Juneau,
46 nine from Craig, one from Klawock and one from Thorn Bay,
47 right? Twenty-eight altogether?

48
49 MR. CLARK: I don't see one from Thorn Bay.

0090

1 CHAIRMAN THOMAS: And none of those identified who they
2 are.

3
4 MR. CLARK: They do.

5
6 CHAIRMAN THOMAS: They wouldn't give a name.

7
8 MR. CLARK: I will read them into the record.

9
10 MS. McCONNELL: They're in the back of the proposal
11 section.

12
13 MR. CLARK: The first is Donald Hernandez, Sumner
14 Strait Fish and Game Advisory Committee, Point Baker writing in
15 support of the proposal. We're worried about the deer
16 population on north Prince of Wales Island. Deer numbers are
17 declining in our area. Hunter success has been decreasing for
18 several years now. There is almost no place on the island that
19 is not accessible by road. The consequence of all of this
20 access is that there are virtually no refuges for deer from
21 hunting pressure. It's my opinion that on Prince of Wales
22 Island, hunting pressure is a significant factor in deer
23 population dynamics.

24
25 The next one is Klawock Cooperative Association,
26 Klawock speaking in support of the proposal. This proposal
27 does not take away sports hunters hunting rights, but takes
28 into consideration the people that need this source for food.

29
30 The next one is from Marvin J. George of Klawock. The
31 Sitka black-tail deer is in alarming decline. I am hoping your
32 decision will protect our deer population.

33
34 The next one is from Elsie Eisley from Ketchikan. I am
35 in agreement with closing doe season in this unit. Does are
36 poached year-round on Prince of Wales Island. I am in favor of
37 proxy permits, but only at a time.....

38
39 CHAIRMAN THOMAS: Does are what?

40
41 MR. CLARK:only one at a time, proxy permits.

42
43 MS. McCONNELL: Proxy permits.

44
45 CHAIRMAN THOMAS: Oh.

46
47 MR. CLARK: Only one at a time to any one person.

48
49 The final one, the first petition by 65 Craig and

50 Klawock residents. And I also have copies of the petition.

0091

1 Support with amendment. We believe that eliminating the doe
2 season on the island is essential to protect the future
3 subsistence use of deer. We wish to amend the proposal to
4 shorten the deer season for hunters who are not Federally
5 recognized rural subsistence users. The proposed season for
6 non-subsistence users will be October 15th through November
7 30th. This six week season will still allow non-subsistence
8 hunters the opportunity to hunt on Prince of Wales. The goal
9 is to reduce non-subsistence deer harvest on Prince of Wales.

10
11 Deer hunters have noted a general decline in the deer
12 population during the '96 deer season. Hunters reported seeing
13 many fewer deer, finding less deer sign. They're having to
14 spend more time filling their subsistence needs and many
15 hunters have not been able to get their usual numbers of
16 subsistence deer. Deer harvest by non-subsistence hunters has
17 increased rapidly particularly since 1990 with the increased
18 use of the expanding road system and the use of the Hollis
19 Ferry connection.

20
21 Wolf hunters and trappers on the island believe that
22 the wolf population has increased rapidly over the past three
23 years. The high and increasing levels of wolf predation
24 lessens deer availability for subsistence. Many hunters
25 believe that the deer population is in sharp decline. To avoid
26 severe decline, we believe it is necessary to cut back overall
27 deer harvest for the 1997 season. Note that greater reductions
28 in overall deer harvest may be necessary in upcoming years if
29 the deer population declines and/or the wolf population
30 continues to rise.

31
32 That concludes the written comments.

33
34 CHAIRMAN THOMAS: Mark, will you come forward please.

35
36 MR. JACOBS: Thank you, Mr. Chairman, members of the
37 Board. For the record, my name is Mark Jacob, Jr., I'm 73
38 years old. Over the years we have observed the deer
39 population. The population does fluctuate at times when we
40 have a severe winter when the deer is severely reduced in its
41 population. But deer is such a nature that they recover very
42 rapidly. I have been told by old-timers and I have observed it
43 myself, that when we have a severe winter and a heavy die off,
44 then in the springtime you will see that does have twins and
45 sometimes triplets. This is nature recovering the reduced
46 population of a deer.

47
48 Now, deer is in no danger at the present time. It is
49 not an endangered specie. I think the reason some of these

50 kind of proposals come out is because we have had a very mild

0092

1 winter and that the deer are in the uplands where there is
2 still some feed. They are not driven down to the beach where
3 the real deer can be counted. So I would oppose any reduction
4 in the bag limit. I have had some reservations on January
5 season. Now, this last week -- two weeks ago, on January 7th,
6 the Fish and Game apprehended a person down on floats with too
7 many deer and that extra deer was given to John Middlefield,
8 who runs the subsistence camp. And out of that confiscated
9 deer, I got the backbone, we call that the chops. And being
10 January meat, believe me, there was plenty of fat on it yet
11 because the deer had adequate supply of food, they were not
12 dying off because of severe winter, they were not eating kelp
13 and therefore, that deer that I had the backbone, only enough
14 for one meal that was equivalent to September buck.

15
16 I have been using proxy hunting. And this year my
17 proxy had some heart problems, and therefore, I have had no
18 deer except that backbone and I haven't had -- been able to go
19 out because five years ago I had cancer removal. My stamina
20 and my physical ability is very limited and besides my age and
21 my hearing problem.

22
23 I thank you for this time and think I explained my side
24 of it. And I still hope that you will provide for people like
25 myself to always be able to shoot deer from a boat. I don't
26 bloodshot my game. Thank you.

27
28 CHAIRMAN THOMAS: Thank you, Mark. Further comments
29 from audience, agencies? Dave? Dave, Larry, Dale?

30
31 MR. JOHNSON: Thank you, Mr. Chairman, fellow members
32 of the Council. For the record my name is David "Roadkill"
33 Johnson. Some of you know me more as "Roadkill" than Dave. So
34 the comments I have to make with regard to this proposal, this
35 is my first opportunity to be involved in the analysis process
36 and I want to comment Fish and Wildlife and some of the other
37 Staff that I had the ability and privilege to work with on
38 this.

39
40 I think the difference is that I came to some different
41 conclusions based on the information that I had. First of all,
42 in terms of the numbers of harvest, one of the things it does
43 not take into account is the concept of place. And from the
44 TRUCS data, Tongass Resource Use Cooperative Study, that data
45 is old, but it was important that people felt that place played
46 a significant role in where people subsist. I'm going to be
47 giving you some -- you should have in your hands now, some of
48 the same data that Robert had, he did not have these graphs by
49 the way and are part of the analysis and this is some

50 information that came from Bob Schroeder, ADF&G. And I just

0093

1 want to go through quickly, it's the same information from
2 Table 5 of the harvest data that Robert referred to with
3 respect to numbers of deer harvested by wildlife analysis area
4 and it also has to do with exact numbers of deer. And I think
5 what's important about this to me was that it has some
6 implications also for Proposal 8 in terms of concerns about the
7 wolf, both with respect to where they're harvested, how many
8 and the issue of roads as a part of that analysis.

9
10 Graph #1, just simply shows by rural and by non-rural
11 the numbers of deer over the last nine years that have been
12 harvested in Management Unit 2. Graph #2 is again the same
13 information only put on a little different kind of a graph with
14 3,250 on the left-hand side of your graph being the total
15 number of deer in a particular WAA, being the total number of
16 deer harvested during that nine year period during one
17 particular Wildlife Analysis Area. And then Graph #3 shows,
18 just by percentage in each one of these Wildlife Analysis Areas
19 who's actually taking those deer. And in #4, it's the same
20 information only with a little different type of display of the
21 data. Okay.

22
23 I'd also like to reference the Council.....

24
25 CHAIRMAN THOMAS: Now, before you go any further, maybe
26 to qualify that comment on now we know who's getting the deer.
27 Who is getting the deer?

28
29 MR. JOHNSON: Rural and non-rural.

30
31 CHAIRMAN THOMAS: Okay, makes sense.

32
33 MR. JOHNSON: I mean in terms.....

34
35 CHAIRMAN THOMAS: I thought there was some magic in
36 that statement?

37
38 MR. JOHNSON: No, nothing magic.....

39
40 CHAIRMAN THOMAS: Okay.

41
42 MR. JOHNSON:nothing magic about it at all accept
43 that by Wildlife Analysis Area, it gives a more graphic display
44 of who is utilizing those deer. There's been a lot of
45 discussion about what is rural and non-rural, it's easy to look
46 at the map and say, over the last nine years we can tell who's
47 been taking deer from this particular location. That was my
48 only point in that.

49

I think specific references also to the analysis at the

0094

1 bottom of Page 46, it references there that in '95 there were
2 also concerns about the population at that time with respect to
3 the last paragraph there. Also on Page 47, in terms of deer
4 harvested by rural hunters in other communities, the
5 communities of Wrangell and Petersburg, for example, in terms
6 of total population -- human population, according to figures
7 here are somewhere just a little less than 6,000 people. And
8 again, not questioning the data, but it's my understanding that
9 more people from other areas within Southeast Alaska that
10 qualifies rural residents are hunting in Unit 2.

11
12 The last page, on Page 49, in terms of the second
13 paragraph there, it seems likely that local deer populations
14 within some, if not most of the locales of Unit 2 may have
15 declined in '95 and '96. I don't believe we've had a severe
16 winter in either one of those years, so something else is going
17 on, I think, with the observations that there is, in fact, a
18 decline in the deer population.

19
20 CHAIRMAN THOMAS: One other question, how are these
21 observations made, from a truck?

22
23 MR. JOHNSON: No.

24
25 CHAIRMAN THOMAS: Hiking?

26
27 MR. JOHNSON: What I did was talk to.....

28
29 CHAIRMAN THOMAS: Did they get above the treeline?

30
31 MR. JOHNSON: Yes. In fact, the interesting thing
32 about your comment about from the road system, in many cases
33 and in many places now, the Prince of Wales, the Alpine is on
34 the road system, so you can actually access the Alpine by road
35 system.

36
37 I guess the other comment is that in the conclusion,
38 personally I believe that in terms of eliminating the
39 antlerless deer provision would constitute a restriction on the
40 rural residents and therefore, in terms of the proposal that
41 came from or the amendment that came from Marvin George and the
42 Klawock Cooperative Association, the idea of eliminating the
43 antlerless season came along with some other caveats with
44 respect to other restrictions on the harvest. And so from what
45 I heard from the folks on Prince of Wales was that we feel that
46 the antlerless season by itself is not the result of the
47 decline in the deer population, but if that will help, along
48 with some other restrictions, then perhaps that's a way to go
49 to make sure that our deer population is going to remain

50 stable. So it wasn't one or the other, it was in combination.

0095

1 The only other comments with respect to Proposal #8, is
2 that with respect to the deer population, a deer or a wolf eats
3 approximately 26 deer per year. And so if the proposal is to
4 maintain a population of 250 to 300 wolves, that would seem to
5 me that you need approximately 7,800 deer per year to keep the
6 wolves satisfied for their dietary needs.

7
8 CHAIRMAN THOMAS: I don't remember reading anything in
9 ANILCA to provide for predators.

10
11 MR. JOHNSON: I don't disagree with that. I just bring
12 it up as information with respect to the next proposal is all.

13
14 CHAIRMAN THOMAS: Okay.

15
16 MR. JOHNSON: That's all my comments.

17
18 CHAIRMAN THOMAS: Thank you, very much. Any questions?

19
20 MS. LeCORNU: Mr. Chairman?

21
22 CHAIRMAN THOMAS: Vicki.

23
24 MS. LeCORNU: Do your figures show the percent taken by
25 non-rural residents?

26
27 MR. JOHNSON: If you look at the -- again, at the data
28 on the front of the cover of information I just gave you, the
29 percentage up at the top there in the right-hand columns, the
30 two right-hand columns, percent rural, percent non-rural and
31 then that again, corresponds to the last two graphs that you
32 have, Graph #4 and Graph #3. Both of those show percent rural
33 and percent non-rural deer harvest by Wildlife Analysis Area
34 within Unit 2. Does that answer your question?

35
36 MS. LeCORNU: Well, I was just looking for some
37 percentages because I don't know where the wildlife areas are?

38
39 MR. JOHNSON: Okay. If you look along the bottom
40 starting with 901 through 1531, those are your Wildlife
41 Analysis Areas for all of Unit 2.

42
43 MS. LeCORNU: Oh, I see.

44
45 MR. JOHNSON: Okay, did I make that clear?

46
47 MS. LeCORNU: Yes.

48
49 MR. JOHNSON: I have some maps I can put on the board

50 that people can look at that also have the road systems as well

0096

1 that you can see and begin to compare. The thing that's
2 important is that the percentage by themselves don't really
3 tell the tale, because in some cases you've only had two deer
4 harvested in the last nine years. So maybe it was 100 percent
5 rural or non-rural.

6
7 MS. LeCORNU: Um-hum. (Affirmative)

8
9 MR. JOHNSON: What's important is that if you look at
10 Graph #1, that shows, for example, that in Wildlife Analysis
11 Area 1421 and 1422 that 1,238 deer were taken by rural
12 residents and 949 were taken by non-rural. In 1422 there was
13 963 taken by non-rural and 2,258 taken by rural. So you have
14 to use the combination of percentages and total deer harvested
15 during that nine year period.

16
17 So my only concern is that, in terms of total harvested
18 deer, lack of scientific data notwithstanding, I believe that
19 the deer situation on Prince of Wales and in Unit 2 is more
20 severe than what, at least appears on the surface.

21
22 CHAIRMAN THOMAS: Any further questions, comments?

23
24 MS. WILSON: Mr. Chair?

25
26 CHAIRMAN THOMAS: Marilyn.

27
28 MS. WILSON: These numbers like you said on the bottom,
29 they constitute what, what do they.....

30
31 MR. JOHNSON: Wildlife Analysis Areas are the.....

32
33 MS. WILSON: Use areas?

34
35 MR. JOHNSON:units that are used by the State.

36
37 MS. WILSON: Oh.

38
39 MR. JOHNSON: On the questionnaire, on the hunter
40 questionnaire, when those are returned, those are corresponded
41 or correlated to the areas within the specific unit as to where
42 the harvest occurred. This is from the TRUCS information, the
43 color-coding reflects the percent of -- the respondents were
44 asked to indicate on a map where household members had hunted
45 deer while living in this community. And the brown, one to five
46 percent hunted there, and so on up through 25 percent.

47
48 What's important is, for example, in 1422, the example
49 that I gave, which is this area right around in here, these two

50 areas right here, you begin to get a feel for both the

0097

1 importance of people who responded to the TRUCS survey as to
2 where they hunt and then compare that to actually's harvesting
3 the deer there, if that makes any sense, if I explained it very
4 well?

5
6 MS. WILSON: Yeah, that helps a lot.

7
8 MR. JOHNSON: Does that answer your question about what
9 a Wildlife Analysis Area is?

10
11 MS. WILSON: Yes, thank you.

12
13 CHAIRMAN THOMAS: Any further agency comments? Thank
14 you, David.

15
16 MS. McCONNELL: I got a question?

17
18 CHAIRMAN THOMAS: Yeah.

19
20 MS. McCONNELL: I just have a question about in the
21 comments, the one with the petition there. They had requested
22 to amend it, the proposal to shorten the deer season for
23 hunters who are not Federally recognized rural subsistence
24 users. The proposed season for non-subsistence users will be
25 October 15th through November 30th. We can't do that, can we?
26 Can we do subsistence/non-subsistence type -- can we do what
27 they're asking?

28
29 MR. WILLIS: Certainly, Mim, this Council can recommend
30 anything -- you know, any kind of season and bag limit or
31 harvest limit that it thinks is wise in this case. Our
32 recommendation of, you know, maintaining the current season and
33 closing the doe season is based on the information that we have
34 at present. And we felt like that, although there's -- people
35 are telling us verbally that there's something going on this
36 year, 1996, we don't have any information yet. And rather than
37 making a kneejerk reaction to what may be a one year anomaly,
38 you know, we'd rather be more conservative in our approach.

39
40 MS. McCONNELL: Um-hum. (Affirmative)

41
42 MR. WILLIS: There was a couple of things, myself,
43 anxious to hear Dave's presentation and information because he
44 said he didn't have that information in doing this analysis.
45 One of the problems with looking at a breakdown by Wildlife
46 Analysis Area is that there are 33 of them just on Prince of
47 Wales Island alone. We don't manage by Wildlife Analysis Area,
48 we manage by Unit. And to try to differentiate, especially if
49 you think of having separate regulations, when you're driving

50 down the road you go through, you know, several of these

0098

1 Wildlife Analysis Area in driving from point-to-point.
2 Obviously you've got to look at the area as a whole when you
3 pass a regulation. You can't burden people with that kind of
4 complicated regulation. The information that he's presented
5 does a good job of showing the percentage of rural and non-
6 rural harvest, it doesn't indicate any change in that
7 percentage over the years and this is what I was referring to
8 earlier that the number of deer and the percentage of the deer
9 that are being harvested by rural residence has not changed for
10 about the last 12 years, nor has the number of deer per hunter
11 taken, nor the number of days required to harvest the deer.
12 That's why we felt that up through '95 we didn't see a problem
13 there and a reason to shorten the season or to create different
14 seasons. '96 may show us something different, as I say,
15 there's something going on, we just don't know what it is yet.

16
17 As to closing Federal lands to non-subsistence hunters
18 because of the elimination of the doe season, that takes us
19 into a policy area that we've never been before. And the
20 reason is is since the Federal program began in 1990, the
21 regulations were adopted from the State and that's kind of been
22 the standard. Anything -- any place where an additional
23 restriction was placed on the subsistence user compared to
24 1990, you know, there was an additional greater restriction
25 placed on the non-subsistence user in order to maintain the
26 priority. In this case, for the first time to the best of my
27 knowledge, we created a new subsistence hunt two years ago and
28 now we're talking about doing away with it at the request of
29 the people that it was created for. Okay, does that constitute
30 removing a subsistence priority and therefore you have to put
31 more restrictions on non-subsistence users? I don't know. You
32 know, this is, as I say, to my knowledge, this is new ground.

33
34 MS. McCONNELL: Thank you.

35
36 CHAIRMAN THOMAS: Dale, you want to come forward?

37
38 MR. KANEN: My name is Dale Kanen, I'm the District
39 Ranger with the Forest Service in Craig, Alaska. And since I
40 moved there two years ago, I have asked the question, are the
41 hunters there restricted? And I'm not a biologist so I won't
42 speak to the question of the implications of a doe season.

43
44 But relative to what I saw with the hunters up here in
45 Unit 4, I would say that the hunters in Unit 2 are restricted
46 in terms of the number of deer that they would like to take
47 during the season. But as to whether or not it has to do with
48 does I don't.....

49

CHAIRMAN THOMAS: You want to talk into your mike, I

0099

1 can't hear you.

2

3 MR. KANEN: As to whether or not it has to do with the
4 does, that I'm not -- I don't know anything about.

5

6 CHAIRMAN THOMAS: Okay, thank you. Mim.

7

8 MS. McCONNELL: If I'm not mistaken, this is the -- we
9 dealt with this in Craig last, right, two years ago, this was
10 adopted? That was deer, wasn't it?

11

12 MS. LeCORNU: It was in Juneau.

13

14 MS. McCONNELL: Oh, it was in Juneau. It seems to me
15 it was a really volatile issue there. It was a lot of people
16 in favor and opposed to it, is that not correct? It seems
17 that's kind of my recollection of this issue, that it was --
18 people were outspoken about it and we had people attending the
19 meeting testifying for and against it. We had a lot of
20 testimony for and against it. And it seems like that issue is
21 still really a hot topic on POW. I just wanted to mention that
22 because I think we should take that into consideration that it
23 was that type of an issue when we adopted this initially for
24 what that's worth.

25

26 CHAIRMAN THOMAS: Dave.

27

28 MR. JOHNSON: Mr. Chairman, with respect to the
29 antlerless season, there's been a lot of discussion about how
30 that came about or when it came about. Folks would like to
31 have copies, I'm reading from the Strategic Plan for Management
32 of Deer in Southeast Alaska, Population Objectives 1991 to 95.
33 In there it states, I quote "GMU 2 hunters have enjoyed a
34 multiple deer bag limit since at least 1930. In that year
35 hunters were allowed to take three bucks with three inch horns,
36 the season ran from late August to mid-September and to early
37 or mid-November. In the late '40s, non-residents were allowed
38 to take only one deer. Beginning in 1942, the bag limit was
39 restricted to two and the bag limit bounced between two and
40 three until two years before Statehood when it was expanded to
41 four deer of either sex. The first antlerless deer season took
42 place in 1955 and was a week long. Antlerless season gradually
43 increased in length and averaged about two months. The longest
44 season since the '30s began on August 1st, 1962 and ran through
45 the middle of December, hunters were allowed to take four deer,
46 but antlerless deer could be taken only after the middle of
47 September. This general season format with some variations
48 continued through 1971. In 1972 the effects of the hard
49 winters of the late '60s, early '70s were becoming clear to

50 Southeasterners and the bag limit was reduced by one. When

00100

1 deer did not bounce back as quickly as expected, the antlerless
2 season was eliminated in 1978 to speed the population recovery.
3 Beginning in '78 the season began August 1 and lasted through
4 the end of November. Hunters could bag three antlered deer.
5 This season and bag limit configuration remained in effect for
6 10 years while populations gradually began to rebuild. In 1988
7 the season was extended through the month of December and the
8 bag limit increased to four antlered deer. That season remains
9 in effect today and now that deer populations have largely
10 recovered over most of Prince of Wales Archipelago, antlerless
11 seasons similar to those of the '50s, '60s and '70s could
12 safely be re-instituted. This may be the next logical step in
13 the progression of seasons and bag limits on Prince of Wales."
14

15 So my only point in bringing that into the record, Mr.
16 Chairman, is that the idea that the antlerless season was
17 something that was just put on the table a couple of years ago
18 has some additional information that bears that it went back
19 much further than that.
20

21 I don't disagree that it was a controversial thing
22 then. There was also another antlerless season, I believe in
23 1987, when Bob Wood was here and I believe there was
24 approximately 250 deer harvested at that time.
25

26 CHAIRMAN THOMAS: Well, see, this is a good way of
27 separating the subsistence hunter from the non-subsistence
28 hunter. Subsistence hunters traditionally and customarily use
29 does at different times of the year. That's part of the
30 mixture of that diet. People that haven't historically used a
31 subsistence lifestyle -- people who are just now being
32 introduced to subsistence, they -- you know, it's like Natives
33 being thrust into corporation lifestyles, you know, and these
34 guys don't know quite what to do with it. But thank goodness
35 they're all literate and they all got lap tops and they come up
36 with something here that doesn't make a single mention of
37 ANILCA. And then we're using analysis and the data collected
38 from a system that historically has been offered to the
39 community. So that doesn't leave me very much room for support
40 of this proposal. See what I'm saying.
41

42 MR. JOHNSON: I don't disagree with you, MR. Chairman,
43 just pointing out that in terms of antlerless harvest.
44

45 CHAIRMAN THOMAS: Appreciate that. Mim.
46

47 MS. McCONNELL: No, Vicki.
48

49 CHAIRMAN THOMAS: Vicki.

00101

1 MS. LeCORNUE: I just want to add some history to this
2 also. The reason we did this was to provide an opportunity.
3 Now, obviously we were not getting that opportunity to begin
4 with or we wouldn't have added this on from Klawock and
5 Hydaburg's perspective. And the reason we did it was a reason
6 and that is we were under a restriction to begin with by
7 allowing the hunters from Ketchikan and I don't see them listed
8 here in the rural hunters, no Ketchikan. But my point is that
9 we, as a board, have got to restrict the non-subsistence
10 hunters until the needs of the subsistence user is met.

11
12 MS. McCONNELL: Um-hum. (Affirmative)

13
14 MS. LeCORNUE: And this proposal is a restriction. Now,
15 maybe they want to have another proposal and propose to
16 restrict the non-subsistence hunters first as it should be.

17
18 CHAIRMAN THOMAS: Okay. Let me read something from our
19 regulation book. Everybody should have one in their house
20 right along side the bible. Okay, under introduction it says,
21 the purpose of these regulations is to provide the opportunity
22 for rural Alaska residents engaged in the subsistence way of
23 life to continue to do so. To protect subsistence
24 opportunities it is essential that the healthy fish and
25 wildlife population be conserved.

26
27 There is nothing that I could see that jeopardizes the
28 intent of that provision by not supporting this proposal.

29
30 MR. WILLIS: Mr. Chair?

31
32 CHAIRMAN THOMAS: Robert.

33
34 MR. WILLIS: Just to bring us back to our starting
35 point briefly, I think we may have lost sight of the fact that
36 this proposal as it was given to us would shorten the deer
37 season for everyone by one month as, in addition to, removing
38 the antlerless hunt. That's what we felt was not necessary
39 based on the data that we had available through '95 and our
40 recommendation to remove the antlerless hunt was based on the
41 request by the local people. The overwhelming majority. So I
42 don't think we need to.....

43
44 CHAIRMAN THOMAS: It's an overwhelming majority of
45 people that spoke.

46
47 MR. WILLIS: That's exactly right. You know, we had
48 the petition from Klawock and Craig, I think it was, 68
49 signatures. I guess maybe it's germane that we did not have

50 any letters or phone calls in support. As I said earlier, as a

00102

1 biologist, I'm a little bit frustrated because I don't have
2 anymore good solid scientific data to work with.

3
4 CHAIRMAN THOMAS: I appreciate that.

5
6 MR. WILLIS: In that when that happens, we look to the
7 local professionals and to the local people and try to get from
8 them what we need to make a recommendation.

9
10 CHAIRMAN THOMAS: The reason I'm saying what I'm
11 saying, I watched these guys in action before. In contrast to
12 the established customary and traditional uses of subsistence,
13 these populations that are there in the recent five years, are
14 people that have been employed in the timber industry. They're
15 used to rallying and unions. They're used to fighting
16 government with everything being threatened. I mean those guys
17 are professionals in what they do. And those are the same
18 people, they're just moving that choreographed from the timber
19 to this. And I'm having a hard time with it and that's a fact.
20 The true subsistence people are going to be impacted in the
21 fashion that they don't need to be if this passes.

22
23 MR. KITKA: Mr. Chairman?

24
25 CHAIRMAN THOMAS: Yes.

26
27 MR. KITKA: You know, years ago there used to be along
28 the bay, in that area (indiscernible - away from mike) in that
29 area they were paying bounty the wolves (indiscernible - away
30 from mike) they were looking at the population of the wolves.

31
32 CHAIRMAN THOMAS: Probably not. Anyway, Patty Phillips
33 is ready to join us via teleconference. The Chairman's
34 dentures are floating and I do have to take a break, two
35 minutes.

36
37 (Off record)

38 (On record)

39
40 CHAIRMAN THOMAS: Let's get back to order and try this
41 again. Okay, we're waiting for the conference operator to get
42 back to us. When she does, hopefully we'll have Patty Phillips
43 from Pelican and Lonnie Anderson from Kake.

44
45 Okay, don't wait on Ken. Give me a hand, where were we
46 when we took our break. I was in such dire straights that I
47 just couldn't recall.

48
49 MR. GEORGE: We're ready to move on a motion to accept

50 Proposal 7, I move.

00103

1 CHAIRMAN THOMAS: It's been moved that we adopt?

2
3 MR. GEORGE: Adopt.

4
5 CHAIRMAN THOMAS: Proposal 7. Is there a second?

6
7 MR. FELLER: I second it, Mr. Chairman.

8
9 CHAIRMAN THOMAS: Further discussion? Mim.

10
11 MS. McCONNELL: I'd like to suggest a possible
12 amendment. I'd like to have some discussion about this. The
13 way I would amend it would be to leave in the four antlered
14 deer and add something in there about closing it to non-
15 subsistence users and perhaps maybe have their season close
16 November 1st or something. In other words, they could hunt for
17 a little while and then have it closed November 1st.

18
19 CHAIRMAN THOMAS: Okay. You offer that as an
20 amendment?

21
22 MS. McCONNELL: I guess so.

23
24 MS. WILSON: I didn't understand how you put that, Mim?

25
26 MS. McCONNELL: It would be to leave four antlered
27 deer, you know, have that hunt remain available.

28
29 MS. WILSON: Um-hum. (Affirmative)

30
31 MS. McCONNELL: Well, let's see, now wait a minute.

32
33 CHAIRMAN THOMAS: Maybe try writing it out.

34
35 MS. McCONNELL: Yeah, I could try writing it out.

36
37 CHAIRMAN THOMAS: Maybe it would help all of us.

38
39 MS. McCONNELL: It would actually be -- I think I still
40 wanted to have it four deer, however, no more than one may be
41 an antlerless deer and then have a restriction on non-
42 subsistence hunters.

43
44 MS. LeCORNU: No antlerless deer?

45
46 MS. McCONNELL: Four deer, however, no more than one
47 may be an antlerless deer and then.....

48
49 CHAIRMAN THOMAS: She'll write it up and then read it.

00104

1 MR. GEORGE: Mr. Chairman?

2
3 CHAIRMAN THOMAS: Gabe.

4
5 MR. GEORGE: Yeah, while she's writing that thing out,
6 I made the motion to adopt and I certainly recommend it's
7 rejection based on all the testimony and everything that lies
8 in front of us in terms of subsistence opportunity. So I would
9 strongly recommend rejecting the proposal in its entirety and
10 leave it as is.

11
12 CHAIRMAN THOMAS: We still have to give the amendment
13 opportunities.

14
15 MR. THOMPSON: They're both on.

16
17 CHAIRMAN THOMAS: They both are?

18
19 MR. THOMPSON: Yes.

20
21 CHAIRMAN THOMAS: I Patty, I Lonnie.

22
23 MS. PHILLIPS: Hi Bill.

24
25 MR. ANDERSON: Hello again.

26
27 MS. McCONNELL: I know in Yakutat, I'm looking for some
28 language on how to do that restriction?

29
30 MR. ANDERSON: Is that on that deer hunting there, Mim?

31
32 MS. McCONNELL: Yeah. I'm trying to -- it looks like I
33 might have found some language on Page 37 in the purple book.
34 I'm trying to write out an amendment to -- it was -- the motion
35 was made to adopt Proposal 7 and I'm suggesting to amend it and
36 I'm working on that language.

37
38 MR. ANDERSON: I remember listening to you discuss
39 there something earlier about back in '90 or something we
40 discussed that. I know fisheries -- the subsistence fisheries
41 did not go through -- you get enough, the State used to be able
42 to shut it down for subsistence and let the subsistence user
43 get their.....

44
45 MS. WILSON: Mr. Chairman?

46
47 CHAIRMAN THOMAS: Marilyn.

48
49 MS. WILSON: Wouldn't it be easier to do like George

50 was saying, to vote this one down, to vote it down as proposed

00105

1 and to leave it as is with the exception of the dates?

2

3 CHAIRMAN THOMAS: Yeah, that's true. But we still have
4 to give the amendment the opportunities.

5

6 MS. McCONNELL: Okay, here's what I've got, four deer,
7 however, no more than one may be an antlerless deer, from
8 November 1st to December 31st, Federal public lands will be
9 closed to taking of deer except by rural Alaska residents of
10 Unit 2.

11

12 CHAIRMAN THOMAS: Okay, you heard the motion, is there
13 a second?

14

15 MS. WILSON: I second that motion.

16

17 CHAIRMAN THOMAS: Okay. Under discussion, Mim, would
18 you walk us through the implications of that? You did a good
19 job writing it, but if you'd do the walk through, please.

20

21 MS. McCONNELL: Yeah. No, let's see, okay, I guess I
22 need to find out what other units, besides Unit 2 have c&t for
23 that -- for Unit 2 for deer. It looks like Rachel's got it.

24

25 CHAIRMAN THOMAS: Where does she?

26

27 MS. MASON: On Page 24 of your regs book we have deer,
28 rural residents of Units 1(A), 2 and 3 in Unit 2.

29

30 MS. McCONNELL: Okay. All right. So then -- so the
31 regular season would be August 1st to December 31st, four deer,
32 however no more than one may be an antlerless deer from
33 November 1st to December 31st, Federal public lands will be
34 closed to taking of deer except by rural Alaska residents of
35 Unit 1(A), 2 and 3. Dave looks like he's got something.

36

37 CHAIRMAN THOMAS: Dave.

38

39 MR. JOHNSON: Mr. Chairman, my only comment is that we
40 -- at least, until the amendment, is to reduce the non-rural
41 harvest when you have this intention for just shifting your
42 deer hunters from later in the season to earlier in the season
43 (indiscernible - away from mike) so the point is that on Page
44 47, approximately one-third of the total harvest in Unit 2 is
45 by non-rural, so back to Mim's amendment, I'm not sure the
46 amount of restriction or how many deer or hunters you're trying
47 to restrict, that's my only.....

48

49 MS. McCONNELL: Okay.

00106

1 CHAIRMAN THOMAS: Okay. So far we're trying to satisfy
2 the fact that roads are being built. We're trying to satisfy
3 the fact that clearcut is taking place and old growth is coming
4 back. Trying to satisfy the fact of an influx of population,
5 you know. That's not leaving much to provide for. Mim.

6
7 MS. McCONNELL: Okay, it was pointed out to me that I
8 had left out a sentence that needs to be in there about
9 antlerless deer. And that is, antlerless deer may be taken
10 only during the period October 15th to December 31st. And then
11 it goes on to say about the November 1st to December 31st
12 portion of the rural residents of those units that I mentioned.

13
14 So, yeah, the idea of this is to -- before we do any
15 restrictions on the subsistence users, rural users of the area,
16 we need to restrict the sport hunters. That has to come first,
17 I believe and we need to protect the priority of the rural
18 users. So that's my objective here. So hopefully that's what
19 this accomplishes, if it isn't, let me know?

20
21 CHAIRMAN THOMAS: Mark.

22
23 MR. JACOBS: Yeah. I agree. The correct action to
24 take is to restrict the non-subsistence before any subsistence
25 users are reduced. Because I think that's the intent of ANILCA
26 and it's mandated by the State of Alaska.

27
28 CHAIRMAN THOMAS: That's correct. Thank you, Mark.
29 Vicki.

30
31 MS. LeCORNUE: I guess there's another problem I have
32 with this proposal is that four deer and I think this is a
33 problem before when we came up with the antlerless deer is that
34 we didn't consider that four deer were not enough. We don't
35 know that four deer are enough, some people take 30 deer and
36 they need them. So I would protest the language in the four
37 deer and antlerless as being a restriction until such time as
38 there is a restriction on the non-subsistence user and I
39 include that to mean even the rural definition that the Forest
40 Service or the Fish and Wildlife Service has been laboring
41 under, which is not my definition because as Bill said, it does
42 not satisfy for the influx of new towns. So when you're
43 talking about rural, you know, you're not satisfying that also.

44
45 CHAIRMAN THOMAS: Okay, further discussion? Dave.

46
47 MR. JOHNSON: A comment again to Mim. If the goal is
48 to restrict the non-rural hunter, if that's the reason for the
49 proposal so that the rural hunter will have more opportunity,

50 then just limiting November 1 to December 31st has the

00107

1 potential to shift that same amount of harvest from the end of
2 the season to the beginning of the season.

3
4 Historically that wouldn't have been a problem with
5 where the roads were at years ago because there wouldn't have
6 been Alpine hunting at that time. Now, with the road system we
7 have on Prince of Wales, you can access Alpine in August and in
8 some cases, the deer, in my opinion, are more vulnerable to
9 overharvest or equal to overharvest at that time as they are
10 during the rut, which is about November 1 to about November 15.

11
12 So I would say that if your goal is to restrict the
13 non-rural hunter, then you would want to eliminate non-rural
14 harvest period, if that's your goal.

15
16 CHAIRMAN THOMAS: She was just being consistent on the
17 whole proposal.

18
19 MS. McCONNELL: Well, yeah, I wouldn't -- yeah.

20
21 CHAIRMAN THOMAS: Everything is maybe's, might's, could
22 be's, should's, you know.

23
24 MS. McCONNELL: But if it's not going to accomplish
25 what I'm trying to accomplish, then I need to change and have
26 it so that it's totally eliminated, the non-rural user.

27
28 CHAIRMAN THOMAS: So restrict the non-rural?

29
30 MS. McCONNELL: Yeah. So I would take out from
31 November 1st to December 31st and just say, Federal public
32 lands will be closed to the taking of deer, except by rural
33 Alaska residents of Units 1(A), 2 and 3.

34
35 Okay, I have one other question for you. It's kind of
36 in relation to what Vicki was saying. How is the proxy hunting
37 going?

38
39 MR. JOHNSON: In my opinion, it's not working very
40 well. And the reason I say that is, people are not coming in
41 to get the permits. And with regards to how we're advertising
42 it, we put it on the local TV scanner, we put the specific
43 dates, we put the specific location, we put the phone number
44 and the contact, Dave Johnson, to come into the Forest Service
45 office and pickup your proxy permit. I think the perception is
46 that if they're having an antlerless hunt, the population must
47 be okay, so why bother to go get your permit. So I would
48 further suggest that if the antlerless season is going to
49 remain, that we have some type of required permit similar to

50 what they have in Yakutat for moose and/or some type of

00108

1 requirement when you get your State tag, that if you don't send
2 that back in, you don't get issued a license next year.

3
4 That will give us a better.....

5
6 CHAIRMAN THOMAS: I think that's going a bit far with
7 the user group.

8
9 MS. McCONNELL: This is the one that is done in
10 Yakutat.

11
12 CHAIRMAN THOMAS: Yeah, it is. I mean, you know, you
13 can go -- there's extremes and then there's extremes. What I
14 was going to suggest, has anybody come forward and said, I am
15 not -- I don't have access to any game? Is there some
16 provisions that will get game for me? Has anybody come forward
17 with that kind of a problem? If they haven't, then it's safe
18 to assume that somebody's getting deer or getting subsistence
19 for them.

20
21 MR. JOHNSON: I'm not sure I understood the question,
22 Bill.

23
24 CHAIRMAN THOMAS: Has anybody come forward to you
25 complaining that they don't have access or they're not getting
26 any subsistence at all?

27
28 MR. JOHNSON: What I'm getting is that people that have
29 typically gotten their four deer for what they need for their
30 household or for whomever they're harvesting for, they're not
31 able to do that.

32
33 CHAIRMAN THOMAS: They're not able to do what?

34
35 MR. JOHNSON: They're not able to get -- it's last year
36 and the year before and the year before that I was able to go
37 out on four trips and get four deer. What I'm hearing now is
38 I'm going out four or five or six times and I'm getting one
39 deer or I'm getting no deer. The other thing is, it's apparent
40 that people are not seeing deer throughout the year, not just
41 during the hunting season, I didn't clarify that before. Both
42 people that haul stuff -- Mitsy and Arrowhead Transport,
43 they're just not seeing deer tracks in the snow, they're not
44 seeing deer, they're not seeing -- so it's not just during the
45 hunting season.

46
47 CHAIRMAN THOMAS: Yeah, well, when they're that
48 successful though, I mean it's a lot better management than
49 some situations. Mim.

00109

1 MS. McCONNELL: I'm curious about this Federal
2 permitting business. Is that, what happened in Yakutat, was
3 that something that the Staff came up with or is that -- I
4 don't remember us, you know, saying that this is what you need
5 to do, did we do that?

6
7 MR. JOHNSON: Go ahead, Robert.

8
9 MR. WILLIS: That was generated by the agencies to keep
10 track of the harvest. No, I don't think the Council was
11 involved in that particular aspect of it.

12
13 MS. McCONNELL: Okay.

14
15 MR. WILLIS: I might add that there's a lot of
16 difference, though, between a handful of moose and several
17 thousand deer when you're talking about acquiring permits.

18
19 You're getting beyond things that we've had the
20 opportunity to analyze, so it's kind of difficult for me to
21 advise you.

22
23 CHAIRMAN THOMAS: Well, you talk about the Alaska
24 resources to monitor, to count, to regulate, to do that.
25 Typically, a subsistence community's regulating themselves with
26 more effective and plenty adequate for that harvesting of any
27 resource. Gabe.

28
29 MR. GEORGE: Yeah, Mr. Chairman, you can ask Fish and
30 Game about deer harvest tags and reports and research and all
31 that, and if you looked at Angoon in the past, historically you
32 probably didn't eat any deer because the only people getting
33 deer were school teachers, preachers and storekeepers who
34 happen to be non-Native. Certainly now these last couple of
35 years, some local people have been cited for not having their
36 deer tags on their deer and all. And I don't know if that's
37 going to change over night or if they're going to have more
38 enforcement over there and we'll make a change, but I do know
39 that the requirements and that's one of the things I brought up
40 at the Council level was that in terms of proxy hunting and
41 all, if you're going to try to make -- you know, give out four
42 deer tags and somebody don't turn in deer tags, you're still
43 not going to get deer tags, you know, so that -- put in a
44 regulation that may be enforceable, but not enforced for over a
45 whole population and a whole area is somewhat meaningless and
46 will only hurt a few. So what am I saying?

47
48 I'm saying I guess that deer tags and the requirements
49 and all that, if they don't work in the past and they don't

50 work now and they probably won't work in the future in terms of

00110

1 getting adequate biological data, you know, or adequate
2 subsistence data. You know, it hasn't worked in very many
3 places that I know of unless it's something that has been
4 developed over the years. That's my comment, I guess,
5 addressing some of your comments.

6

7 CHAIRMAN THOMAS: The only thing we haven't discussed
8 was implementing the restrictions, we'll go out on bikes, where
9 there's no motorized vehicles allowed, why don't you try that
10 on for size? We'll leave the roads to the log trucks with
11 engines that can't shoot.

12

13 MS. WILSON: Mr. Chairman?

14

15 CHAIRMAN THOMAS: Marilyn.

16

17 MS. WILSON: What Gabe was saying, I was thinking too
18 that, we've been talking a lot about co-management. And for
19 the people in the rural communities to help keep track of deer
20 like surveys instead of deer tags might be a help, especially
21 like the seal survey, that's working real well. I think that
22 would be an option to go.

23

24 CHAIRMAN THOMAS: Yeah, but in any case I don't think
25 we should be penalizing the subsistence user because of the
26 problems that we've identified. What's your motion, Mim?

27

28 MS. McCONNELL: Okay, I'll read the motion again and I
29 think it's maybe ready for a second.

30

31 So the dates on the right-hand side there for Unit 2,
32 deer August 1 to December 31st. Four deer, however, no more
33 than one may be an antlerless deer, antlerless deer may be
34 taken only during the period October 15th to December 31st.
35 Federal public lands will be closed to taking of deer except by
36 rural Alaska residents of Units 1(A), 2 and 3.

37

38 CHAIRMAN THOMAS: So that then would be a substitute
39 proposal, wouldn't it?

40

41 MS. McCONNELL: Yes. This is an amendment -- this
42 amends Proposal 7. So we need a second for that.

43

44 CHAIRMAN THOMAS: Do I hear a second?

45

46 MS. WILSON: I second that.

47

48 MR. ANDERSON: Kake seconds it.

49

CHAIRMAN THOMAS: It's been moved and seconded. Thank

00111

1 you.

2

3 MS. PHILLIPS: Can you read it again?

4

5 CHAIRMAN THOMAS: Read it again?

6

7 MS. McCONNELL: The right-hand column, Unit 2, deer,
8 August 1 to December 31st. Left-hand column would read, four
9 deer, however, no more than one may be an antlerless deer,
10 antlerless deer may be taken only during the period October
11 15th to December 31st. And then the following here is the new
12 part; Federal public lands will be closed to taking of deer
13 except by rural Alaska residents of Units 1(A), 2 and 3.

14

15 CHAIRMAN THOMAS: Further discussion, questions?

16

17 MS. WILSON: What dates are those for the rural?

18

19 MS. McCONNELL: It's August 1st to December 31st, which
20 is what it currently is.

21

22 MR. GEORGE: Is basically what -- basically what you're
23 saying is that you're going to close it to sports -- urban --
24 or non-rural hunt on Unit 2?

25

26 MS. McCONNELL: Right.

27

28 MR. GEORGE: So that the subsistence hunt continues?

29

30 MS. WILSON: Is it open for one month?

31

32 MS. McCONNELL: It's open August 1st through December
33 31st.

34

35 MS. WILSON: Just for the rural?

36

37 MS. McCONNELL: Just for the rural people. The non-
38 rural don't get to hunt there at all.

39

40 MS. WILSON: Okay.

41

42 CHAIRMAN THOMAS: Further discussion?

43

44 MR. GEORGE: I guess, Mr. Chairman, I haven't heard
45 from the biologist one way or the other to warrant something
46 like this or not warrant something like this.

47

48 CHAIRMAN THOMAS: It's uncharted territory.

49

MR. GEORGE: Unchartered territory.

00112

1 CHAIRMAN THOMAS: We are now pioneering. You've got to
2 be bold and courageous.

3
4 MS. PHILLIPS: Chairman Thomas?

5
6 CHAIRMAN THOMAS: Yes, Patty.

7
8 MS. PHILLIPS: Is there a main motion?

9
10 MS. McCONNELL: Yes.

11
12 MS. PHILLIPS: That was an amendment to the main
13 motion?

14
15 CHAIRMAN THOMAS: The main motion was to adopt Proposal
16 7 as submitted.

17
18 MS. PHILLIPS: I would like to speak to the main motion
19 when we get back there.

20
21 CHAIRMAN THOMAS: Yes, ma'am.

22
23 MS. McCONNELL: I'd like to call for the question on
24 the amendment?

25
26 CHAIRMAN THOMAS: Question's been called for on the
27 amendment. All those in favor of the amendment say aye.

28
29 IN UNISON: Aye.

30
31 CHAIRMAN THOMAS: Those opposed.

32
33 (No opposing votes)

34
35 CHAIRMAN THOMAS: Amendment carries. The main motion
36 as amended. Patty.

37
38 MS. PHILLIPS: On these -- I'm glad to hear this kind
39 of talk going on where we're recognizing when we have a
40 diminished population and that action needs to be taken. The
41 area proposed for regulatory change should have more
42 restrictive regulations because it is easily accessible and
43 hunted heavily by local residents. I got this off of Page 58.
44 These are some of my comments. When resources diminish and
45 competition from other users increases, the political process
46 has been undercutting or destroying subsistence rights. And so
47 this kind of discussion that I'm hearing going on is promoting
48 subsistence rights, which is what we're about. And I'm glad
49 that there are additional restrictions on local hunters in this

50 amendment.

00113

1 For that reason I would support it.

2

3 CHAIRMAN THOMAS: Thank you, Patty. Okay, now, listen
4 up everybody, we're getting into some critical parliamentary
5 manoeuvring here. The Proposal 7 is that the harvest is four
6 antlered deer only, September 1 through December 31st.

7

8 MS. McCONNELL: August 1.

9

10 CHAIRMAN THOMAS: Well, this is the proposed
11 regulation.

12

13 MS. McCONNELL: Not anymore, it's been amended.

14

15 CHAIRMAN THOMAS: No, this is the main motion, yours is
16 the amended motion.

17

18 MS. McCONNELL: But by adopting the amended motion,
19 this is no longer valid.

20

21 MS. LeCORNU: What's the dates on that amendment?

22

23 MS. McCONNELL: August 1 to December -- the current
24 existing.....

25

26 CHAIRMAN THOMAS: Okay, you just help me out then.
27 This no longer exists?

28

29 MS. McCONNELL: Right.

30

31 CHAIRMAN THOMAS: The main motion is.....

32

33 MS. McCONNELL: Is the amendment.

34

35 CHAIRMAN THOMAS:the amendment?

36

37 MS. McCONNELL: Right.

38

39 CHAIRMAN THOMAS: Is everybody in agreement?

40

41 MS. WILSON: No.

42

43 MS. McCONNELL: You don't agree?

44

45 MS. WILSON: Uh-huh. (Negative response) If we move
46 on this motion as it stands, as it reads.....

47

48 MS. LeCORNU: As amended.

49

00114

1 MS. WILSON: Yeah. Well, we already passed the
2 amendment.

3
4 MS. LeCORNU: Right.

5
6 MS. McCONNELL: Right.

7
8 MS. WILSON: So that's already done.

9
10 MS. McCONNELL: But Bill was saying that this old
11 proposal is.....

12
13 CHAIRMAN THOMAS: Well, we had the -- we're at.....

14
15 MS. WILSON: Okay.

16
17 CHAIRMAN THOMAS:the point now, when we voted on
18 it, it was still an amendment.

19
20 MS. McCONNELL: Um-hum. (Affirmative)

21
22 CHAIRMAN THOMAS: Now, that we've adopted it.....

23
24 MS. McCONNELL: Now, we have to vote on the proposal as
25 amended.

26
27 CHAIRMAN THOMAS:now, we got to put it someplace.

28
29 MS. McCONNELL: As amended.

30
31 CHAIRMAN THOMAS: Yeah. So is the wish of the Council
32 then to use that amendment as a substitute motion for the one
33 that's in the book?

34
35 MS. McCONNELL: Yes.

36
37 MS. LeCORNU: Um-hum. (Affirmative)

38
39 MS. WILSON: Yes.

40
41 MR. GEORGE: Yes.

42
43 CHAIRMAN THOMAS: Okay. So that's where we're at then.

44
45 (Off record comments)

46
47 CHAIRMAN THOMAS: Hi, Bill, sorry about that. Get out
48 of the way Dave.

49

MR. KNAUER: Yes, Mr. Chairman, whatever action you

00115

1 take, it's important that you do provide adequate
2 justification. The closure of public lands is a very serious
3 matter. And the data that you're presented should support a
4 declining population, a declining harvest per hunter and it
5 should reflect whatever decision you take.

6
7 CHAIRMAN THOMAS: Okay, Mim.

8
9 MS. McCONNELL: If I may? From all that I've heard
10 about this proposal here today, it sounds as though there's
11 some serious problems occurring in Unit 2 concerning the deer
12 population. We did make a change two years ago about the
13 antlerless deer in response to people that felt that they were
14 not getting enough does. And this is from subsistence users
15 that we, you know, were all users we were hearing this from.
16 So we responded to their needs in increasing that for them. So
17 what we're trying to do is to preserve that to make sure that
18 they're still getting what they need. And instead of, you
19 know, that we also have to respond to the concerns that have
20 been brought to us about the deer population. So there sounds
21 like there needs to be some sort of a restriction, but by --
22 through ANILCA we need to protect the priority of the
23 subsistence user, the rural people. So in doing so, in doing
24 this amendment, that protects the priority of the subsistence
25 user. We're doing that by eliminating the sport hunter or non-
26 subsistence or non-rural hunter on Unit 2.

27
28 CHAIRMAN THOMAS: It protects subsistence opportunities
29 and it's essential that healthy fish and wildlife populations
30 be conserved. I can't think of a better approach to satisfy
31 that. Dave.

32
33 MR. JOHNSON: Mr. Chairman, a couple of other comments.
34 I think it's important for the Council to note that if the
35 Council passes this that the potential for increased pressure
36 to both State lands and private corporation lands, even though
37 corporations have regulations regarding who hunts on their
38 lands and so on, that the pressure, at least, the potential
39 pressure will still be there for people coming from off the
40 island to hunt. And I think in terms of public relations and
41 information, there will need to be a lot of information
42 provided to a whole lot of different folks about this change,
43 other than just a change in the regulation.

44
45 CHAIRMAN THOMAS: We'll do the best we can. Right now
46 we're trying to survive a barrage of threats, intimidations,
47 tactics that aren't suitable, everything is contrary to the use
48 of the resource; we're just responding to those and we'll do
49 the best we can every time it presents itself. Mim.

00116

1 MS. McCONNELL: I think that this shows how having
2 increased roads in a wilderness area can adversely effect our
3 lifestyle. It's something that people need to take into
4 consideration, you know, maybe they'll gain some things through
5 logging or something, but there's things that you need to take
6 into consideration. So people -- you know, if we're going to
7 have increased logging in areas, then people that used to hunt
8 there that maybe aren't from that area are just going to have
9 to not to anymore. They're going to have to change their
10 lifestyle also.

11
12 So there's ramifications when you change your country
13 and how -- the lay of the land so to speak, you know.

14
15 CHAIRMAN THOMAS: You know, for every move we have,
16 they have a counter move and that's just the way it's going to
17 go. Okay, Gabe.

18
19 MR. GEORGE: Yeah, just along the same lines about
20 talking about closing public lands for hunting and/or access,
21 you know, certainly Fish and Game has managed the resources
22 over the years and a number of points -- in fact, recently a
23 closure was imposed upon everyone based on a few people's
24 comments about the health status of the deer, you know,
25 apparently Unit 4 area and everybody was closed, including
26 subsistence hunters and all and that was very serious because
27 of people planning out and maintaining their right to
28 subsisting on the lands and certain -- and certainly some
29 people really depend upon it a lot more than others. I think
30 this motion, this proposal and this amendment does provide for
31 subsistence opportunities. It maintains the health of the
32 stocks and you can't deny that. And continues on.

33
34 I certainly agree with Vicki in terms of numbers. We
35 haven't gotten to the numbers of what subsistence resource
36 users really and truly need and in reality use. The State has
37 provided for bag limits that apply to individuals and not to
38 the subsistence needs of households, communities, customary and
39 traditional uses of those resources and you haven't gotten
40 there yet. And I don't know if you will get there. So I think
41 that's what this Council is here for is to address those. And
42 you may be for it to some people, but that's something that
43 occurs and has occurred over centuries and we should maintain
44 it. I guess that's all, thank you.

45
46 CHAIRMAN THOMAS: Thank you, Gabe. Further discussion?

47
48 MS. WILSON: Mr. Chairman?

49

CHAIRMAN THOMAS: Marilyn.

00117

1 MS. WILSON: Are we going to vote down this.....

2
3 MS. McCONNELL: We're going to vote on it as amended.

4
5 MS. WILSON: As amended?

6
7 CHAIRMAN THOMAS: Yeah.

8
9 MS. WILSON: Is that the motion?

10
11 CHAIRMAN THOMAS: The one in the book isn't there now.

12
13 MS. WILSON: Oh.

14
15 CHAIRMAN THOMAS: It went away.

16
17 MS. WILSON: Oh, okay.

18
19 CHAIRMAN THOMAS: The only one we're going to vote

20 on.....

21
22 MS. McCONNELL: The amendment replaced it.

23
24 CHAIRMAN THOMAS: Yeah, the amendment replaced it.

25
26 MS. WILSON: All right. Now, I got it.

27
28 CHAIRMAN THOMAS: This has been confusing. A lot has
29 been said. If anybody needs more clarification, don't hesitate
30 to say so, otherwise we can move forward and vote on this.
31 Gabe.

32
33 MR. GEORGE: All I'd like to say is I speak in favor of
34 the proposal as amended.

35
36 MS. WILSON: Mr. Chairman, also I'd like to say that
37 we've changed this proposed regulation to a new one, do we need
38 to write down why we did this?

39
40 CHAIRMAN THOMAS: Yes.

41
42 MS. WILSON: Okay. Who will write it?

43
44 CHAIRMAN THOMAS: We're taking it off of the
45 transcripts.

46
47 MS. WILSON: Okay.

48
49 MS. McCONNELL: I call for the question.

00118

1 CHAIRMAN THOMAS: The question's been called for. All
2 of those in favor of the motion as amended say aye.

3
4 IN UNISON: Aye.

5
6 CHAIRMAN THOMAS: Opposed same sign.

7
8 (No opposing votes)

9
10 CHAIRMAN THOMAS: That motion carries.

11
12 MR. WILLIS: Mr. Chair, Proposal 8 was submitted also
13 by the U.S. Forest Service. And it would shorten both the
14 hunting and the trapping season for wolves in Unit 2, require
15 sealing of hides and also recommends a 25 percent harvest cap.
16 This is somewhat different from what's spelled out in the
17 analysis. The reason being that when we get these proposals in
18 the office, there's a group of people who are supposed to go
19 through them and put them in the proper format and then give
20 them to the biologist and the anthropologist for analysis.
21 When it came to us, half of it was left off in that process and
22 the part that I got dealt only with trapping. I didn't find
23 out until about three weeks ago that the original proposal by
24 the Forest Service did include the hunting season and the
25 recommendation for a cap on the harvest to duplicate what the
26 State season did. So that's the reason that some of your
27 discussion doesn't match exactly the proposal as it's printed
28 in the book.

29
30 CHAIRMAN THOMAS: Okay.

31
32 MR. WILLIS: This proposal would change the Unit 2
33 regulations eliminating about 50 days of the trapping season
34 and also certain days of the hunting season. And similar
35 regulations are adopted by State regulation, the Board of Game
36 action on October the 25th, '96 and the reason for this is that
37 the Alexander Archipelago wolf has been determined to be a
38 separate subspecies. And in studying the wolves, it was found
39 that the harvest has increased very dramatically over the last
40 few years. It's difficult to count wolves in Southeast Alaska
41 because of the dense forest cover. The best estimate that
42 ADF&G can come up with says the total population in all of
43 Southeast, Units 1 through 5 is somewhere between 700 and
44 1,300. They feel that on Prince of Wales Island, which is the
45 area that we're concerned with here, there's about one wolf per
46 22 square miles on that portion of the island that's been
47 studied, but they haven't studied the entire island and so they
48 can't really come up with an estimate on the number of wolves
49 there. But the average wolf harvest in Unit 2 from 1991/92 to

50 1995/96 was 94 wolves, which is double the average harvest the

00119

1 previous five year period. Approximately 80 percent of that
2 harvest was by rural residents.

3
4 ADF&G has been conducting a radio telemetry study where
5 they can put collars on wolves and follow them around over the
6 last several years. And what they found was a very high rate
7 of mortality, that is, mortality due to all causes, both
8 natural, the legal harvest and illegal harvest in two different
9 samples of wolves that they did was 61 percent in one sample
10 and 50 percent in the other sample. Studies in other areas
11 have indicated that a wolf population can't sustain that kind
12 of mortality and maintain itself.

13
14 There are a number of factors that will be effecting
15 the wolf population in Unit 2 over the next several years,
16 actually over the next few decades. As with the deer, habitat
17 alteration caused by clearcut timber harvest and old growth
18 timber is going to reduce the capacity of the habitat to
19 support deer and therefore the population of wolves will also
20 be reduced. Construction of roads, they're already several
21 thousand miles of roads and there are additional roads plan for
22 construction with the additional timber harvest. This will
23 create access to areas that can't now be accessed. The human
24 population on Prince of Wales continues to increase. And
25 because of this, the extremely high harvest is felt that
26 there's a need to study the wolf population and try to come to
27 an acceptable harvest of level on it before it goes into a
28 decline.

29
30 Since this animal has been identified as a separate
31 subspecies and it's being studied for possible inclusion on the
32 endangered species list, maintaining its population is doubly
33 important. The initial analysis a couple of years ago did not
34 list it, however, the courts have ordered the Fish and Wildlife
35 Service to go back and take another look at it based on the
36 actual timber harvest plan and not some projections -- some
37 changed projections of that plan.

38
39 ADF&G has put together quite extensive scientific data
40 on this wolf population. And I've talked to a lot of trappers
41 and hunters down there also and they feel that while some
42 people feel the wolf population is high because of the
43 increased harvest, that the harvest is really too high for
44 population to sustain. And they felt like some conservative
45 reductions were in order to ensure the conservation of a
46 healthy population. And of these, reducing the hunting and
47 trapping season were selected as being the most equitable, the
48 most enforceable and also the easiest to implement. And it
49 also appeared to have the most acceptance among the wolf

50 trappers in that area. Adding a sealing requirement to the

00120

1 hide which specifies that the leg bones of the left foreleg
2 must remain attached to the hide until sealed allows gathering
3 data on the range structure of the wolf population which is
4 extremely important in determining whether the population is
5 going up, going down or remaining relatively constant. The
6 season reduction was not felt to be enough to absolutely assure
7 reducing the harvest by the 10 to 12 percent that they wanted
8 to try to reduce it by and so they recommend also that a 25
9 percent harvest cap be put on the season as well. This is not
10 something that would go into the actual regulation, it's a
11 guideline and something to watch -- the regulation -- or the
12 season could be shutdown if that level of harvest was reached.
13

14 We support the proposal to reduce the harvest and the
15 season length on both wolf hunting and trapping to match the
16 State regulation. We feel that the increasing and possibly
17 excessive level along with the long term changes that are going
18 on in habitat which we know is going to reduce the population
19 in the future creates some concerns about the long term health
20 of the wolf population.
21

22 We also feel that maintaining a conservative harvest of
23 wolves so that we have some wolves and we have some deer will
24 forestall the possibility of possibly having -- losing both of
25 them. And that could happen if the wolf population is allowed
26 to dwindle to a low level. We feel that the proposed changes
27 would help maintain a healthy population of wolves and would
28 also the gathering of additional data over the next few years
29 which will give us a better idea of what we really need to deal
30 with in the long term to maintain a proper ratio of wolves and
31 deer.
32

33 That concludes the Staff analysis.
34

35 CHAIRMAN THOMAS: Thank you, very much for that
36 analysis. One question; I've heard mentioned several times
37 this afternoon that the Alexander Archipelago wolves currently
38 being considered for listing as a threatened and endangered
39 species under the Endangered Species Act, so what? What can we
40 do about that?
41

42 MR. WILLIS: Well, what we can do about it is to make
43 sure that since -- you know, 80 percent of the harvest is by
44 rural residents, we can make sure that the wolves are not
45 overharvested to the point that they disappear or dropped to
46 unhealthy levels. And you know, wolves are a natural part of
47 the ecosystem out there and we feel that they are worth
48 maintaining for their own sake. And there's also the
49 possibility that if they are declared to be threatened and

50 endangered through overharvest, that a greater portion of the

00121

1 deer will have to be allocated to wolves than to the
2 subsistence users in future years. Now, that's the reality of
3 the situation.

4
5 CHAIRMAN THOMAS: Is there anything in the immediate
6 future that would -- of course shortening the season from
7 December to March will make a difference of 25 percent, um?

8
9 MR. WILLIS: About 10 to 12 percent is what they're
10 shooting for for reduction. No, the 25 percent cap is that if
11 the harvest reaches what they consider to be 25 percent of the
12 existing population, that's where it will be shut down.

13
14 CHAIRMAN THOMAS: Yeah.

15
16 MR. WILLIS: They don't really know if that will
17 happen, but as we discussed earlier with the changes and
18 people's habits when you shorten a season for deer hunting, the
19 same thing applies to the wolf hunters and trappers, they may
20 just shift their activities to different months of the year.
21 And we don't know if that will happen or how much effect it
22 will have, so you need a backup.....

23
24 CHAIRMAN THOMAS: Sure.

25
26 MR. WILLIS:to protect yourself.

27
28 CHAIRMAN THOMAS: Yeah, I've never had any association
29 with wolves, per se, so I was curious as to some of the
30 mechanics around that, so thank you. Any questions for Robert
31 regarding Proposal 8? Any public comment?

32
33 MR. CLARK: Mr. Chairman, two public comments. One in
34 support of the proposal by the Alaska Department of Fish and
35 Game who say the adoption of this proposal will make the
36 Federal and State regulations consistent, their reason for
37 support.

38
39 The second is from Elsie Eisley from Ketchikan who does
40 not agree with the proposal. Wolves are at 20 year high on
41 Prince of Wales Island according to her. That concludes the
42 public comments.

43
44 MS. LeCORNU: Where's she from?

45
46 MR. CLARK: Ketchikan.

47
48 CHAIRMAN THOMAS: They don't talk like that in
49 Ketchikan. Mim.

00122

1 MS McCONNELL: I was just thinking that if we ended up
2 adopting this proposal that it would be -- it provides even
3 more justification for that Proposal 7, amended proposal that
4 we adopted if -- you know, if the wolf population goes up, then
5 we're really going to have to be careful about the deer
6 population.

7
8 CHAIRMAN THOMAS: You bet. Ralph.

9
10 MR. GUTHRIE: My name is Ralph Guthrie. I'd like to
11 comment on one aspect and that's the endangered species part of
12 this thing, you know. We've dealt with it in the trawl
13 fisheries for about eight or nine years and it seems like if
14 the population goes down too low, then you're drowned in a pile
15 of paper. So a person should -- so when you make your decision
16 and it's real important to our people, the wolf, because that's
17 what we were, see, you know, a large portion of our people, so
18 we don't want it to the point where they're going to be extinct
19 or where we're going to be in a situation where we can't
20 utilize them either. So you know, that's -- use caution when
21 you make a decision on it.

22
23 CHAIRMAN THOMAS: Kaagwaatann -- they're pretty skinny
24 on Prince of Wales.

25
26 MR. GUTHRIE: Thank you.

27
28 CHAIRMAN THOMAS: Thank you, Ralph. But that's true,
29 appreciate that perspective. Anybody else from the audience or
30 agency? Tim, you got problems with Kaagwaatann? Okay. Okay,
31 we'll bring it to the Council for action.

32
33 MS McCONNELL: I have another question about it.

34
35 CHAIRMAN THOMAS: For Robert?

36
37 MS McCONNELL: Probably. I'm just curious -- can I
38 ask?

39
40 CHAIRMAN THOMAS: What I'd like to do is if we get a
41 motion to put it under the discussion part of it, then you can
42 talk about anything in the world then.

43
44 MS McCONNELL: All right, that's fine, go ahead. I
45 move that we adopt Proposal 8.

46
47 CHAIRMAN THOMAS: Don't tell me to go ahead, where's my
48 paper at?

49

MR. ANDERSON: I second for discussion.

00123

1 CHAIRMAN THOMAS: Oh, sure, I knew you would.

2
3 MS McCONNELL: Okay, can I ask?

4
5 CHAIRMAN THOMAS: Yeah, yeah.

6
7 MS McCONNELL: I was wondering, as far as Federal --
8 well, as far as listing as an endangered species is concerned,
9 what if we didn't take this action? In other words, do we
10 really pretty much have to do this or what's the -- and I'm
11 thinking of this in relation to -- I can't find where I was
12 reading -- oh, yeah, under the justification on Page 55, it's
13 currently being considered for listing as a threatened and
14 endangered species, you know, I'm just wondering -- so this is
15 basically the Federal response to that possible listing? This
16 is their proposal for how to deal with it; is that correct?

17
18 MR. WILLIS: Essentially that's correct, Mim.
19 Certainly you don't have to support this proposal. There's no
20 reason to think that. But the Federal agencies charged with
21 the management of the land are charged with maintaining healthy
22 populations of all the species there. And it's currently felt
23 that there aren't very many Alexander Archipelago wolves
24 period, you know, in all of Southeast. And the harvest on
25 Prince of Wales has been going up dramatically. And so the
26 idea is we don't yet have a good population figure so we don't
27 know if they're being overharvested, certainly they're being
28 harvested at a high rate based on the knowledge that we have.
29 So in order to assure the maintenance of a healthy population,
30 which is the language from ANILCA, Title VIII, it's felt that
31 these conservative measures at this time would be better than
32 doing nothing while we continue to study and maybe having the
33 population driven to an unhealthy level over the several years
34 it's going to take to complete these studies.

35
36 MS. LeCORNU: Bill?

37
38 CHAIRMAN THOMAS: Vicki.

39
40 MS. LeCORNU: I have a further question for Robert. He
41 states that the Feds are charged with conservation and they are
42 also charged with the subsistence priority. So what I'm
43 wondering is what has this proposal done to protect the
44 priority, that is, what about the 20 percent non-rural users?

45
46 MR. WILLIS: This proposal doesn't address wolves taken
47 by rural versus non-rural residents.

48
49 MS. LeCORNU: Well, that's my question, why isn't there

50 some type of action in the Federal proposal to protect the

00124

1 priority, that is, to cut out the 20 percent first that are
2 non-rural users, that was my question?

3

4 MR. WILLIS: I guess you would have to ask the Forest
5 Service since they submitted the proposal. You know, we
6 analyze the proposal as it was given to us and it was designed
7 to duplicate the State action based on the research done by the
8 State, so I can't -- you know, we have very limited amount of
9 time to look at each one of these proposals and can't look at
10 every possible variation on them.

11

12 CHAIRMAN THOMAS: Is the Craig Ranger District here?
13 Would somebody come forward and enlighten us more?

14

15 MR. JOHNSON: Mr. Chairman, I don't have a good answer
16 to that question except that a lot of the information in the
17 proposal came from the recent study that was done by Dave
18 Pearson and a number of the other biologists that were from
19 ADF&G, Forest Service and I'm not sure who all of them were,
20 their publication just recently came out. Basically we tried
21 to mimic the State proposal, so we did not address the 20
22 percent harvest by the non-rural hunter/trapper.

23

24 And again, I would concur with Robert on the analysis,
25 in terms of the amount of time spent. I don't have a bomb
26 strapped to me -- hold on.

27

28 CHAIRMAN THOMAS: Dale. Now, we can get the real
29 story.

30

31 MR. KANEN: Well, I was basically going to concur with
32 Dave. I was at the recent Board of Game meeting in Sitka where
33 this wolf issue was addressed and most of the data did come
34 from David Pearson's study. And my recollection is that the
35 Federal proposal is basically an effort to bring our
36 regulations in line with the new State Board of Game
37 regulations that were passed at the Sitka meeting this past
38 winter. And at those meetings that was -- rural/non-rural was
39 not an issue.

40

41 CHAIRMAN THOMAS: Well, that's where the differences is
42 to find a way into this, is that rural/non-rural has to be part
43 of that. Ken.

44

45 MR. THOMPSON: Ken Thompson, Forest Service.

46

47 MS. PHILLIPS: Chairman Thomas.

48

49 MR. THOMPSON: Like Dale indicated our effort was just

50 to bring the regulation in line with the State.

00125

1 MS McCONNELL: Can you speak up a little?

2

3 MR. THOMPSON: We would have no opposition to any
4 restriction of non-subsistence that you folks would care to
5 entertain. There might -- we might want to make sure that you
6 believe there is a restriction of the subsistence users though
7 in executing that restriction.

8

9 CHAIRMAN THOMAS: Okay, we'll probably do that. But
10 the only reason I'm belaboring this whole thing is to send a
11 reminder that when these cases present themselves, that by all
12 means, make sure you have some resemblance to ANILCA in the
13 process, that's all we're asking. Because otherwise you're
14 making us look like defective Council members. Patty.

15

16 MS. PHILLIPS: I was wondering if we should consider
17 changing it to rural residents of Units 1(A), 2 and 3 for c&t.
18 Because it reads now it's all rural residents.

19

20 MS McCONNELL: While we're on that I have another -- I
21 need some clarification also on.....

22

23 CHAIRMAN THOMAS: Where's Patty at, all rural
24 residents?

25

26 MS. LeCORNU: Page 53.

27

28 MS. PHILLIPS: In the purple book.

29

30 CHAIRMAN THOMAS: All residents of 1(A), 2 and 3,
31 doesn't that carry down? Oh, this for all rural residents in
32 the world, no, that.....

33

34 MS McCONNELL: All rural residents, right.

35

36 CHAIRMAN THOMAS: So if we don't specify the GMU's,
37 then.....

38

39 MR. WILLIS: There's been no customary and traditional
40 use determination, I would assume all rural residents are
41 assumed to have customary and traditional use.

42

43 CHAIRMAN THOMAS: Okay, we're just trying to come up
44 with some good justification. Mim.

45

46 MS McCONNELL: Okay, while we're on the subject of the
47 language of the proposal, I'm also a little bit confused. On
48 Page 54 of our proposal stuff here, the preliminary conclusion,
49 support the proposal with modifications to one, shorten the

50 hunting season to December 1st to March 31st and two, add a

00126

1 harvest cap of 25 percent of the estimated population. Now, if
2 you go back to Page 51, it does have those dates already, but
3 it doesn't say anything about the cap, so is that something --
4 what -- please explain all that.

5

6 CHAIRMAN THOMAS: Well, that makes it easy.

7

8 MS McCONNELL: So do we just need to add the cap to
9 meet your.....

10

11 MR. WILLIS: Yeah, I guess when I led off I think I
12 explained the problem that we got only half the proposal to
13 analyze, okay.

14

15 MS McCONNELL: Um-hum. (Affirmative)

16

17 MR. WILLIS: And as I said earlier, the cap is not
18 something that actually goes into the regulation.

19

20 MS McCONNELL: Oh, yeah.

21

22 MR. WILLIS: Because it was my understanding that
23 that's a guideline that's applied later and I'm not -- since we
24 don't -- I think it's because we don't have an actual figure,
25 you know, we have an estimate of the number, but not an actual
26 figure. So you can't say that when 85 wolves are taken, that
27 the season will be closed.

28

29 MS McCONNELL: Um-hum. (Affirmative)

30

31 MR. WILLIS: And that's the reason that it doesn't go
32 into regulation.

33

34 MS McCONNELL: Gotcha.

35

36 CHAIRMAN THOMAS: So I think the recommendation there
37 probably covers it. What do you think?

38

39 MS McCONNELL: Well, I was already moving on to rural
40 residents -- I was already jumping ahead. One thing, do we
41 just want to leave it all rural residents or do we want to do
42 like what Patty was suggesting it and limit it?

43

44 CHAIRMAN THOMAS: Patty's always right. Would we be
45 upsetting anything by putting down 1(A), 2 and 3?

46

47 MR. WILLIS: I was just wondering that myself, Mr.
48 Chair.

49

CHAIRMAN THOMAS: Oh, here we go, here we go.

00127

1 MR. WILLIS: I was going to try to get some help on
2 whether or not we were incorporating a c&t proposal into this
3 Subpart C proposal. Okay, Bill tells me that that would put us
4 into an 804 situation. I agree, given time to have thought
5 through this thing -- what you're saying is is all rural
6 residents have a subsistence use of wolves in that area. To
7 limit the harvest to only a certain number of those rural
8 residents would be to say that there isn't enough wolves for
9 all the rural residents, that puts you under Section 804 of
10 ANILCA where you have to go through the set of three criteria
11 to decide who, among those subsistence users, gets the wolves.

12
13 CHAIRMAN THOMAS: I kind of like that.

14
15 MS McCONNELL: Yeah.

16
17 CHAIRMAN THOMAS: Rachel, can fill you in.

18
19 MS. MASON: Mr. Chairman, I have a little bit different
20 interpretation of that. What I see that as doing is adding a
21 c&t proposal to the proposal that's there already, so it would
22 be changing it from a no determination to one that includes
23 residents of certain units. Now, you have not had the benefit
24 of a c&t analysis for that, but we -- you know, if you see
25 justification for that, then we can work with you after this,
26 between now and the Board meeting to develop an analysis of
27 this situation.

28
29 CHAIRMAN THOMAS: Well, I think we could use some help
30 on determining whether or not we see a justification for that.
31 Mim.

32
33 MS McCONNELL: Well, I was just thinking one
34 possibility of dealing with this is to go ahead and adopt
35 Proposal 8 as it's written here in the proposal book and then
36 come up with another proposal, like Proposal 8-A, that's
37 dealing with c&t on it. Because I don't know whether the Board
38 would adopt that without having it going out to the public and
39 letting people have a chance to comment on it.

40
41 MR. WILLIS: Mr. Chair, and I'd add one further comment
42 that we don't know how many non-local rural residents, if any,
43 are taking wolves in Unit 2. So Patty's proposed amendment
44 might have no effect whatever on the number of wolves harvested
45 or who harvests them.

46
47 CHAIRMAN THOMAS: Okay, Dave. Thank you, Rachel.

48
49 MS. MASON: I could continue the conversation.

00128

1 CHAIRMAN THOMAS: Please.

2

3 MR. WILLIS: We can probably get that information, what
4 I'm saying is I don't have it right at my fingertips, but we
5 could probably come up with it.

6

7 CHAIRMAN THOMAS: Appreciate that. We understand.
8 Dave.

9

10 MR. JOHNSON: I'm the neophyte here, Mr. Chairman, so
11 my interpretation may not be that good. My only comment is
12 that if you have 20 percent of non-rural harvest, that would
13 seem to me that you would have to do some kind of analysis to
14 consider what the effects of that are. And I know that
15 historically there was at least one wolf trapper, I don't know
16 about this past season, who was from Unit 3, Ted Case, who used
17 to be on Prince of Wales. And I believe in '94, his take was
18 around 45 wolves. Now, that was not all on Prince of Wales
19 Island either. He had a fairly large trapline, so I want to
20 make that clear, too. So yes, there's at least one historical
21 case of a rural resident trapper from another unit.

22

23 CHAIRMAN THOMAS: Okay, thank you. Mim.

24

25 MS McCONNELL: There's a little bit of confusion in my
26 mind about a comment that was made about the 804 thing. It
27 sounded like there was some concern about having to go into the
28 tier thing, which I think you're talking about priority use, I
29 think; is that correct?

30

31 MR. WILLIS: That's correct.

32

33 MS McCONNELL: Okay, so what I'm wondering about is why
34 didn't that set-off alarm bells when we were talking about the
35 deer and closing that to non-resident -- or non-rural users?

36

37 MR. WILLIS: The reason was that you used all of the
38 people who have customary and traditional use of deer, you
39 allowed them to continue to hunt.

40

41 MS McCONNELL: Um-hum. (Affirmative)

42

43 MR. WILLIS: You didn't split up any of your rural
44 population and say some can hunt and some can't. All rural
45 residents who have c&t for deer in that unit get to hunt.

46

47 MS McCONNELL: All right, okay.

48

49 MR. WILLIS: In this case, you know, both.....

00129

1 MS McCONNELL: Everyone has c&t.

2

3 MR. WILLIS: Yeah, both Bill and Rachel are correct, in
4 that, the absence of a Subpart C proposal to change customary
5 and traditional use, what your action would do would be to
6 limit the wolf harvest to only some of the people who have
7 customary and traditional use.

8

9 MS McCONNELL: Because all rural residents currently
10 have customary and traditional use?

11

12 MR. WILLIS: Exactly. That puts you into an 804
13 situation. However, you can get around that if you so choose
14 by making a Subpart C, customary and traditional recommendation
15 to change that.

16

17 MS McCONNELL: Um-hum. (Affirmative)

18

19 MR. WILLIS: Okay, that.....

20

21 MS McCONNELL: So we're not putting the cart before the
22 horse.

23

24 MR. WILLIS: So that would get you out of 804, but you
25 would still need to submit a Subpart C proposal, I guess, and
26 have that analyzed.

27

28 CHAIRMAN THOMAS: Robert, you got some input here?

29

30 MR. SCHROEDER: Yeah, Mr. Chairman, I do have the
31 records for who's sealed wolves for 1990 to '95 by community if
32 the Council would like to hear that?

33

34 CHAIRMAN THOMAS: Sure.

35

36 MR. SCHROEDER: Almost all the wolves have been taken
37 by GMU 2 residents, Ketchikan, Petersburg, Wrangell residents.
38 I'll just give you an indication of where some other wolves
39 have gone. Someone from Austin, Texas got one wolf, someone
40 from Bellingham got one wolf, some people from Haines got a few
41 wolves, another out of state resident with one wolf, another
42 out of state resident with one wolf, someone from Sioux City
43 and someone from Texarkana each got one wolf, three wolves were
44 harvested by someone from Sitka and I have a couple of other
45 single wolves taken by out of state residents. And that's it.
46 So we basically have a handful of wolves by out of state
47 residents and maybe in that whole time period, about 15 wolves
48 taken by other rural residents other than the ones in GMU 2.
49 So that's what we got if that's useful.

00130

1 CHAIRMAN THOMAS: Thank you.

2

3 MS McCONNELL: Which time period was that again?

4

5 MR. SCHROEDER: That's 1990 through 1995.

6

7 MS McCONNELL: And for what area, Unit 2?

8

9 MR. SCHROEDER: Yeah, GMU 2, are the wolves that we're
10 talking about here.

11

12 CHAIRMAN THOMAS: Thank you.

13

14 MS. LeCORNU: Bill?

15

16 CHAIRMAN THOMAS: Vicki.

17

18 MS. LeCORNU: I just have some questions. Bob's
19 statement that all rural are considered customary and
20 traditional users?

21

22 MR. WILLIS: That's correct.

23

24 MS. LeCORNU: To me that is detrimental to subsistence
25 because all rural users are not customary and traditional. So
26 you can't provide for a priority when you don't know that. So
27 that's my question, how are we going to provide for a priority?

28

29 MR. WILLIS: Let me pass that off to Rachel.

30

31 CHAIRMAN THOMAS: Rachel.

32

33 MS. MASON: Yeah, can I just clarify that when it says
34 all rural residents in the regs book, that means that there's
35 no determination. So it's just all -- there's no preference
36 among rural residents of Alaska. So there is no determination.

37

38 CHAIRMAN THOMAS: Mim.

39

40 MS McCONNELL: That was taken from the State regs,
41 right?

42

43 MS. MASON: That's correct.

44

45 MS McCONNELL: This is something leftover from the
46 State regulations, it's never been changed yet?

47

48 MS. MASON: Right.

49

MR. WILLIS: And we have had no proposal to change it.

00131

1 MS. MASON: Right.

2

3 MR. WILLIS: As Bill mentioned earlier we had a big
4 backlog of proposed changes to the customary and traditional
5 use determinations. This is one that we have not had a request
6 to change and that's why it's still in the same form it was
7 when the Federal program began in 1990.

8

9 MS. LeCORNUE: So I guess we have a flaw here on the
10 determination that we're assuming people are customary and
11 traditional users?

12

13 MR. WILLIS: Certainly people from Barrow and Kotzebue
14 wouldn't travel to Prince of Wales to harvest wolves and
15 couldn't be considered truly customary and traditional users.
16 However, the idea was that rather than exclude anybody without
17 having a thorough study to see who really did use wolves in
18 that area, it was thought best to leave it at all rural
19 residents until such time as a decision was made about who
20 actually used those animals.

21

22 MS. LeCORNUE: Yeah and my point is that that is
23 detrimental to subsistence.

24

25 MS. PHILLIPS: Mr. Chairman?

26

27 CHAIRMAN THOMAS: Patty.

28

29 MS. PHILLIPS: Can I go?

30

31 CHAIRMAN THOMAS: Patty go.

32

33 MS McCONNELL: Go for it.

34

35 MS. PHILLIPS: In the Federal Register it states that
36 determining priority under Section .17 for subsistence use
37 among rural Alaska residents: (a) whenever it is necessary to
38 restrict the subsistence taking of fish and wildlife on public
39 lands in order to protect the continued viability of such
40 populations, or to continue subsistence uses, the Board shall
41 establish a priority among rural Alaska residents after
42 considering any recommendations submitted by an appropriate
43 Regional Council.

44

45 So I would recommend we do as Mim suggested, adopt the
46 proposal, submit a second proposal restricting c&t to areas
47 1(A), 2 and 3.

48

49 CHAIRMAN THOMAS: Thank you, Patty. We're typing as

50 fast as we can here.

00132

1 MS. McCONNELL: Patty, what were the units again?

2
3 MS. PHILLIPS: 1(A), 2 and 3.

4
5 CHAIRMAN THOMAS: Thank you, Patty. Mim.

6
7 MS. McCONNELL: I think that we should go ahead and do
8 that. But one thing I can't remember is where we're at on
9 Proposal 8. Did we move to adopt it yet?

10
11 CHAIRMAN THOMAS: Well, I think we're adopting the
12 recommendation of the Staff.

13
14 MS. McCONNELL: But have we done that yet?

15
16 CHAIRMAN THOMAS: No.

17
18 MS. McCONNELL: Okay. Then I move to adopt Proposal 8.

19
20 CHAIRMAN THOMAS: Is there a second to that motion?

21
22 MR. ANDERSON: Second.

23
24 CHAIRMAN THOMAS: Okay. Thank you. Now we're open for
25 discussion.

26
27 MS. McCONNELL: Well, I can do that. We don't need to
28 do that now. We're going to go ahead.....

29
30 CHAIRMAN THOMAS: Well then it's not an amendment.
31 That's a new one.

32
33 MS. McCONNELL: So then do we want to amend this one
34 then? Do we want to amend Proposal 8 by adding c&t
35 restrictions or do we want to keep these two proposals separate
36 and just go ahead and adopt Proposal 8 as it stands in the
37 book.....

38
39 CHAIRMAN THOMAS: Separate, I think.

40
41 MS. McCONNELL:and then in case the Board doesn't
42 like us doing the c&t thing without a bunch of public comment.
43 I'm kind of inclined to keep the two separate.

44
45 CHAIRMAN THOMAS: Okay. The Chair rules that they'll
46 be separate.

47
48 MS. McCONNELL: Okay. So I call for the question on
49 Proposal 8.

00133

1 CHAIRMAN THOMAS: Okay. The question has been called.
2 All those in favor of adopting Proposal Number 8 say aye?

3
4 IN UNISON: Aye.

5
6 CHAIRMAN THOMAS: Opposed same sign?

7
8 (No opposing responses)

9
10 CHAIRMAN THOMAS: Okay. That motion carries. We have
11 another proposal. An additional proposal that will be known as
12 Proposal 8A. Mim.

13
14 MS. McCONNELL: Okay. I'll move that we do another
15 proposal, 8A, to restrict customary and traditional use of wolf
16 in Unit 2 to residents of Units 1(A), 2 and 3.

17
18 CHAIRMAN THOMAS: You heard the motion. Is there a
19 second?

20
21 MS. PHILLIPS: Second.

22
23 CHAIRMAN THOMAS: Second. Thank you, Kate.

24
25 MS. McCONNELL: That was Patty.

26
27 CHAIRMAN THOMAS: Patty. Thank you Pelican.
28 Discussion. All those in favor say aye.

29
30 IN UNISON: Aye.

31
32 CHAIRMAN THOMAS: All those opposed same sign?

33
34 (No opposing responses)

35
36 CHAIRMAN THOMAS: Motion carries. Okay. It's 10
37 minutes till 5:00. Our schedule is taking us till 5:00. Okay.
38 o'clock. We want to quit 10 minutes early, or do you want to
39 tackle another one? What's the pleasure? Tomorrow is another
40 day. Recess till tomorrow. 8:00 or 9:00 o'clock. How about
41 8:30?

42
43 MS. McCONNELL: 8:30 is fine.

44
45 CHAIRMAN THOMAS: Okay. We're going to recess until
46 8:30. We're going to begin tomorrow's day with Proposal Number
47 9.

48
49 (MEETING RECESSED)

00134

C E R T I F I C A T E

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UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the
State of Alaska and Reporter and Owner of Computer Matrix, do
hereby certify:

THAT the foregoing pages numbered 02 through 133
contain a full, true and correct Transcript of the Southeast
Federal Subsistence Regional Advisory Council, Volume I,
meeting taken electronically by me on the 11th day of February,
1997, beginning at the hour of 8:00 o'clock a.m. at the Offices
of the Sitka Tribe of Alaska, Sitka, Alaska;

THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed by Mary
E. Miller and myself to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party
interested in any way in this action.

DATED at Anchorage, Alaska, this 23th day of February,
1997.

JOSEPH P. KOLASINSKI
Notary Public in and for Alaska
My Commission Expires: 04/17/00